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MORAL AND PASTORAL THEOLOGY

IN FOUR VOLUMES

BY

HENRY DAVIS, S.J.

PROFESSOR OF MORAL AND PASTORAL THEOLOGY AT HEYTHROP COLLEGE

VOLUME THREE

THE SACRAMENTS IN GENERAL, BAPTISM,
CONFIRMATION, HOLY EUCHARIST,
PENANCE, INDULGENCES,
CENSURES

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TREATISE IX

THE SACRAMENTS IN GENERAL

CHAPTER I

DEFINITION, NUMBER, SACRAMENTAL GRACE

SECTION 1. Definition

A SACRAMENT of the New Law is an outward sensible sign instituted as a permanent rite by Jesus Christ, to signify and effect by divine grace the sanctification of men ; or briefly, it is an outward sign of inward grace instituted by Christ. This external rite, instituted by Christ, produces in the worthy recipient the grace which it signifies. The external rite is more than a sign of what appears to be done externally, such as the washing by water in Baptism, the anointing with oil in Confirmation and Extreme Unction ; it is a sign that suggests, and indeed effects something more, for the washing by water in Baptism suggests and effects cleansing from sin. The rite is external, and can be perceived by the senses, for since man is composed of body and soul, God our Lord wished these means of salvation, the Sacraments, to be accommodated to man's nature, that man, through sensible signs, might be led to what is spiritual when he contemplates the actual rite performed, symbolizing the effect produced.

The Sacraments are permanent institutions, because they are fundamentals of religion and its chief ceremonies, and will last so long as the Christian religion endures, that is, till the end of time.

All the Sacraments were instituted by Christ Himself immediately, not mediately through His Apostles or the Church. God alone could institute such rites, since He alone could annex divine grace, which is a supernatural gift, to an external rite. Furthermore, the Sacraments signify the grace which they bestow, and bestow the grace

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which they signify, and they are true and effective rites, which sanctify man through the grace which they bestow. The precise manner in which the Sacraments give grace is not the subject of Moral Theology. It will be sufficient to say here that the Thomist school explains the matter by saying that the Sacraments are physical causes of grace, efficiently producing quite directly their effect ; a second school holds that the Sacraments are moral causes of grace, that is, they move God, the Principal Cause, to give grace. They are, as it were, letters written and sealed by Christ our Lord, and are thus the secondary moral cause of sanctification, Christ being the primary moral Cause. A third view is that the Sacraments are instrumental dispositive causes, inasmuch as they produce a certain disposition and title in the soul, establishing a claim to grace.¹

SECTION 2. The Number of the Sacraments

There are seven Sacraments, neither more nor fewer. This truth is defined by the Church : " If any one shall say that the Sacraments of the New Law were not instituted by Jesus Christ our Lord, or that they are more or fewer than seven, namely, Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Orders, and Matrimony, or that any of these is not truly and strictly a Sacrament, let him be anathema."²

The sevenfold number depended entirely on the Will of Christ our Lord, but after the event, divines wisely try to show how befitting that number is, for on the analogy with natural life, wherein a man is born, strengthened, nourished, healed if sick, strengthened after sickness, is preserved, and propagates his kind, so in the spiritual life, a man is reborn by Baptism, strengthened by Confirmation, fed by the Eucharist, restored to health by Penance, has a ready remedy

¹ Billot, *de Sacramentis*, I, p. 124 : " Sacramenta non sunt causæ gratiæ instrumentaliter perfective, sed solum instrumentaliter dispositive " ; this view is thought to explain the valid but unfruitful reception of a Sacrament, such as Baptism in the case of an adult, and the revival of sacramental grace when the obstacle to grace has been removed.

² Conc. Trid., s. 7, c. 1.

for the relics of sin and the revivifying of virtues in Extreme Unction. In addition, the Church needs Holy Orders for the spiritual good of its members and for the continued worship of God, and Marriage for the preservation of the race and the religious education of offspring.

SECTION 3. Sacramental Grace

The effect of the Sacraments is to give grace to those who receive them worthily; this is common to all the Sacraments. Three of the Sacraments, namely, Baptism, Confirmation and Orders, imprint also on the soul an indelible seal, which is called the sacramental character. The character or seal impressed on the soul is spiritual, and by it the recipient is consecrated to Christ, and dedicated for ever to Him.¹ The baptized becomes a member of the family of God, and one of the flock of Christ, the Shepherd; the confirmed becomes sealed with the badge of Christ's service; the ordained receives the spiritual anointing of the sacerdotal ministry of Christ. The grace of the Sacraments is infallibly produced in those who are capable and fit recipients, by reason of the sacred rite itself (*ex opere operato*), independently of the worth or merits of minister or recipient. In other words, the sacramental rite produces grace in virtue of this institution of Christ, and not in virtue of any merit of minister or recipient. This does not mean that no act is required on the part of either, for the minister of a Sacrament must act in a human way, and must have the intention of doing what the Church does, and the recipient, if an adult, must remove the obstacles to grace—if they exist—and must do what is required for both valid and fruitful reception. The grace of a Sacrament is the same for those in the same dispositions, and is greater in proportion to better dispositions, for the Divine Will is that man should co-operate with God in his sanctification.² The grace which is here spoken of as given by the Sacraments is sanctifying grace.

Sanctifying grace is a divine gift, which produces a

¹ S. Th., S., 3, q. 63, a. 3.

² Conc. Trid., s. 6, ch. 10.

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definite quality of soul, rendering it pleasing to God, giving it a title to heaven, fitting it to be a special temple of God, wherein His Presence is other than that which pervades all persons, places, and things by Essence, Knowledge, and Power, for It is a special Presence not existing in inanimate things or in the sinner. The grace of which we speak is, therefore, a gift of God, it is supernatural beyond the powers and exigencies of nature, it is created, it is the *gratia viæ* (the grace of this pilgrimage), not the *gratia patriæ* (the light of glory), it is not like prophecy (*gratia gratis data*), but it is grace that makes the recipient pleasing to God. It is to be observed that this grace is not actual grace—supernatural help for the performance of salutary acts—but it is an infused and inherent quality of the soul. God offers to sinners actual grace, whereby they can be moved to sorrow for sin. If the sorrow be perfect sorrow, God then gives sanctifying grace, and the sinner is justified. In the present order of redemption, all grace is the grace of Christ, because it is given out of benevolence by God, and in view of the merits of Christ, God-man.¹

This sanctifying grace is the first grace when it makes man just, holy and pleasing to God, as in Baptism of an infant, where the soul is brought out of the state of sin into the state of justice.² Sanctifying grace is the second grace, if the recipient is already in the state of grace, but receives an increase of grace. The Holy Eucharist was instituted to give the second grace.

SECTION 4. Sacramental Effect

A Sacrament produces its effect, and the particular effect which it was instituted to produce, the recipient being supposed capable of receiving the effect. For example, the Sacrament of Confirmation always produces, in fit subjects, its particular grace. On the other hand, grace may be produced secondarily and accidentally by a Sacrament in

¹ cf. Pesch, *Comp.*, III, n. 201.

² The word justice here means sanctity, the state of the just man. It has no connotation of the moral virtue of justice. The word 'justness' might be better, but it is unfamiliar.

special circumstances for which it was not instituted. Thus, Penance was primarily instituted for the restoration of grace that was lost by grievous sin, but it can produce an increase of grace in one who receives the Sacrament, being already in grace.

Therefore, where no obstacle is in the recipient, the Sacraments that are called the Sacraments of the dead, Baptism and Penance, produce the first grace, by the very reason of their institution, and therefore essentially. The other five Sacraments, which are called Sacraments of the living, essentially and by their institution produce the second grace, that is, an increase of sanctifying grace. But Penance, though a Sacrament of the dead, accidentally produces the second grace, if the recipient is already in grace.

It is also highly probable that all the Sacraments of the living, such as the Holy Eucharist, do sometimes produce the first grace, when received in good faith and with attrition¹; that is, they produce the first grace when the recipient, thinking that he is already in the state of grace, though he is not, and with the sorrow of attrition, receives such Sacraments, for the Sacraments always give grace when no obstacle exists, and if the sorrow of attrition is conceived, the obstacle of habitual sin—in which the recipient was—ceases to exist if, by sorrow, the sin is set aside. This doctrine is certain in the case of Extreme Unction and is highly probable in the other Sacraments of the living.

The sacramental grace also includes the right to special graces for the attainment of the particular purpose for which the Sacrament was instituted, otherwise the seven different Sacraments would not have been instituted. Thus, the sacramental grace of Baptism helps the recipient to overcome concupiscence, and to serve God by keeping His Commandments; the grace of Confirmation helps him to adhere to, profess and defend his Faith; the grace of the Holy Eucharist helps him to make progress in divine charity; the grace of Extreme Unction strengthens the soul to overcome the dangers due to the relics of sin, heals

¹ Attrition is sorrow for sin from a supernatural motive other than the love of God.

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sickness, if God sees it to be expedient, and gives strength in the last moments of life ; the grace of Orders helps sacred ministers to fulfil their duties worthily ; Matrimony gives grace to the married to check inordinate concupiscence of the flesh, to be faithful to one another, to bring up their children in the fear and love of God, and to fulfil the many other duties of the married state.

SECTION 5. Necessary Sacraments

The Sacraments that are necessary for salvation are Baptism for all men, and Penance for those who, after Baptism, have committed mortal sin. Other Sacraments, Confirmation and Extreme Unction, are enjoined (cc. 787, 944) and may not be disregarded. The Holy Eucharist must be received as a matter of divine precept : “ Unless ye eat the flesh of the Son of Man and drink His blood, ye shall not have life in you ” (Jn. 6, 54). All the Sacraments, except the Holy Eucharist, exist only when they are applied to a recipient ; the Holy Eucharist is a permanent Sacrament so long as the species remains the species of bread or of wine.

Two Sacraments, as stated above, are called Sacraments of the dead, because they were instituted to give the first grace, to restore the subject from spiritual death to spiritual life. The other five Sacraments are called Sacraments of the living, because by their institution they presuppose the existence of grace in the recipient, which they increase and intensify. The three Sacraments which confer a seal or character cannot be validly repeated in the same subject.

SECTION 6. Reviviscence of Grace

A Sacrament is valid and fruitful if it actually confers grace ; it is valid but unfruitful if, though validly received, it confers no grace owing to an obstacle interposed by the recipient. Thus, the Sacrament of Marriage would be validly, but unfruitfully received, if the recipients were in conscious mortal sin at the moment of entering upon the contract. But even if the state of mortal sin were not

adverted to as persisting, and not previously retracted by any act of sorrow, the obstacle would be present, and the Sacrament would be unfruitful.

When the recipient of a Sacrament is without those necessary dispositions that are required in order that the Sacrament may produce and give grace, it may, nevertheless, have been received validly. But since it has been received validly, the question arises: Does a Sacrament so received ever give grace subsequently? It is certain that this is so in the case of Baptism, Confirmation, and Orders, for these three Sacraments are not repeated in the same subject, on account of the indelible character given by them. Since, too, Extreme Unction may not be repeated in the same danger of death, and since Matrimony is never repeated for the same two persons once married, these Sacraments produce their effect, that is, sanctifying grace, when the necessary dispositions for the reception of grace have been secured. In the case of the Sacrament of Penance, and supposing the good faith of the recipient, divines are not agreed that the grace of this Sacrament revives. An example would be that of a penitent who, guilty of grievous blasphemy and theft, forgets to confess the sin of theft, and has sorrow only for the sin of blasphemy on account of its specific malice. In other words, he has not universal sorrow for all mortal sins, and the difficulty then arises as to the valid reception of the Sacrament. The case would not easily occur, but theory must take account of possibilities. The opinion of divines on the point will be examined in the treatise on Penance. In the case of the Holy Eucharist received in good faith but in unconscious mortal sin, it is probable that this Sacrament does not produce grace afterwards, when the necessary dispositions are secured, owing to the facility of reception of the Holy Eucharist, unless we except the case of one who removes the obstacle to grace before the sacred species is consumed.¹

In those cases where the grace of the Sacrament does certainly revive, we must distinguish between Sacraments

¹ cf. Verm., III, n. 208.

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of the dead and those of the living. Extreme Unction validly but unfruitfully received requires, for the revival of its grace, attrition, if no mortal sin has been committed since reception ; if, however, it was received sacrilegiously, true contrition or absolution with attrition is required. In the case of Confirmation, Orders, Matrimony, an act of perfect contrition, or attrition with sacramental absolution is necessary. In the case of Baptism, which is a Sacrament of the dead, attrition suffices, unless in its reception a sacrilege was committed, or after its reception a mortal sin was committed ; in both of these cases, perfect contrition is required, or attrition with sacramental absolution.

APPENDIX

The Sacramentals

The canons (c. 1144 sqq.) define Sacramentals as objects or actions which the Church employs, in some semblance of a Sacrament, in order to obtain favours, chiefly spiritual, by its intercession. Sacraments differ from Sacramentals in that the former are the sensible and efficacious signs of grace instituted by Christ, the latter are external ceremonies instituted by the Church in virtue of power given to it by Christ.

The Apostolic See alone can institute new Sacramentals, and interpret, abolish, or change those already existing.

The nature of Sacramentals is embodied in the words : *Orans, tinctus, edens, confessus, dans, benedictus* ; that is, prayers, blessings of water and the oils, partaking of blest bread, avowal of sins by reciting the *Confiteor*, giving alms and doing other works of charity, blessings of objects and persons.

The Sacramentals may be given to catechumens and even to non-Catholics, if not expressly forbidden, that these may receive the light of faith and even bodily health.

The Sacramentals remove the obstacles to grace and dispose us for the reception of grace ; their efficacy is due to the prayers of the Church, and the use of them excites the mind and heart to pious affections.

CHAPTER II

MATTER AND FORM OF THE SACRAMENTS

SECTION 1. Meaning of Matter and Form

SCHOLASTIC writers speak of the matter and the form of material substances, as of water, air, wood, considering matter as that constituent which is indeterminate, and form as that constituent which determines the substance to be what it is. This mode of speech has been employed in describing the Sacraments, which are composite signs consisting of two distinct elements, the one called the matter, as the use of water in Baptism, the other called the form, as the essential words pronounced in Baptism. These two together make up the outward rite or sign of inward grace. Whether or not the Sacraments, as external signs of grace, are intrinsically constituted by their matter and form is disputed. The Moral theologian adopts the common usage of the words, without determining the relation of either matter or form to the intrinsic production of the Sacraments. Though the analogy is clear in some of the Sacraments, as in Baptism, Confirmation, Extreme Unction, in others, as in Penance, it is not so clear. Pope Eugenius IV, in the Decree for the Armenians, taught that all the Sacraments are constituted by three elements ; by things which are the matter, by words which are the form, and by the person of the minister, who confers the Sacrament, intending to do what the Church does. The matter and form are objective elements, and are called the essential parts of the Sacrament ; these and no others the minister must use under pain of invalidity.

The matter of a Sacrament is some sensible, concrete action or thing. It is remote or proximate ; the concrete thing which is taken to be used in the Sacrament, as water in Baptism, is called the remote matter ; the application or the use of this matter, as the actual ablution by the water in Baptism, is called the proximate matter.

The form of a Sacrament consists of words pronounced by the minister (and in marriage, of equivalent signs also) which determine the matter more particularly, as that which, with the form, is the external sign and produces the sacramental effect.

The form of a Sacrament, being a sensible sign, must be pronounced orally and not conceived mentally only, and must be said as with authority and power, not merely historically. In marriage, as stated above, a sign of consent is sufficient for validity, but the parties should be induced to express consent in words.

SECTION 2. Union of Matter and Form

1. The matter and the form must be united—so far as union is possible—to produce the one external rite, and so to produce a valid Sacrament. Therefore, they must be united and applied by one and the same minister,¹ unless when several ministers together produce a Sacrament, as in the concelebration of Mass, where they use the same matter and employ separate but identical forms all of which are morally united and serve as one form ; or again, as in Extreme Unction in the Greek Church, where several ministers use complete matter and form to produce one individual Sacrament, the separate rites being morally united ; or again, if several persons simultaneously baptized a child, or where several ministers together ordain the one subject.

2. Matter and form must be so united that they can be said, in accordance with human usage, to constitute one external sign or rite. Thus, in the Holy Eucharist, there must be physical simultaneity, the matter must be truly present whilst the form is pronounced over it, but in Baptism, Confirmation, Extreme Unction, Orders, moral simultaneity is sufficient, that is, these Sacraments are valid though the proximate matter is employed immediately before or after the use of the form of words.² What interval would suffice to render the Sacrament invalid cannot be deter-

¹ S.C. de Sacr., Nov. 17, 1916.

² *loc. cit.*, n. 1.

mined ; the interval of the recital of the ' Our Father ' appeared sufficient to S. Alphonsus, but in such matters we should not rely on probabilities, we should make sure that matter and form are as united as we can make them.

It is generally held that in Penance the interval between confession and absolution may be considerable, but the prudent confessor will require a summary repetition or, if he still remembers the sins confessed, a general accusation of the same sins, when he wishes to absolve a penitent who returns to him for absolution after confession previously made.

In the case of Marriage, since it is a contract, no interval between the two consents of the contracting parties will invalidate the contract, provided the consent of one party is given whilst the consent of the other persists. This principle is applied by the Church when it convalidates certain invalid marriages ; it does not always require both parties to renew consent.

SECTION 3. Changes in Matter and Form

1. Since there is definite matter and a definite form for the Sacraments, it is obvious that a minister is not free to use any matter or any form, and that he cannot substantially change either without affecting the validity of the Sacrament.

2. Substantial change of matter would take place if the matter substituted differed in actual fact from the matter which the Church sanctions, and substantial change of form would take place if the meaning of the substituted form was not the same as that which the Church sanctions. Such change invalidates a sacramental rite, whether the change be intentionally or inadvertently made. Less than that, namely, some accidental and immaterial change would not affect the validity of a sacramental rite, but if voluntary, would be sinful.

There would be substantial change in the matter, or rather, the matter substituted would substantially differ from the true matter, if, according to ordinary estimation

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and use, it has become a different thing, or if the true matter is corrupted by chemical change, or if it be changed by admixture into something quite different. There would be a substantial change in the form if the sense of the form were entirely changed by addition of words, by subtracting words from the true form, by corruption of a word or words so that the sense could not remain what it should be, by transposing the words of a form so that the true sense vanishes or is doubtful, by substituting words for words that should be used, by such interruption in the recital of the form as would destroy the moral unity of the form as one complete prayer, or by such grammatical change or mistakes as would actually change the meaning of the form. Substantial changes, too, might be made through a wrong articulation, or through haste by clipping words.

3. Many examples could be given of all such changes, but in practice, the prudent pastor will act on certainties, so that if he interrupts a complete word, making a pause between the syllables, whether voluntary or not, he will be well-advised to repeat the word ; if, however, the interruption is only between words, and a very slight one, there is no need to repeat anything. The form of a Sacrament is sometimes pronounced by a minister who does not understand it, and indeed thinks that it means what it does not mean. Though the case is very uncommon, it is worth observing that such intellectual errors do not invalidate a form provided the minister intends to do what the Church does ; if he externates his error, the form may or may not be intact, and his intention may be to act in accordance with his mistaken view. It would then become a question as to whether the form and intention were sufficient or not. There is no possible doubt but that, even if the Anglican form of Ordination to the priesthood used up to 1662 had been truly valid, the intention of the ordaining ministers—assuming that they had Orders themselves—was so contrary to the intention of the Church, that that defect alone rendered their ordinations invalid. The view of Catharinus, namely, that an external intention is sufficient, would not, if it were true, help in this matter, for he always presumed

that the intention of the minister was to employ the true form in its true meaning, not in a meaning which it never bore in the Church. Of course, Catholics hold that there was also a defect in the form of Anglican ordinations up to 1662.

SECTION 4. Doubt as to Validity

In urgent cases, it is sometimes impossible to have moral certainty as to the validity of the matter used. In such cases, if it is impossible to secure matter that is certainly valid, probably valid matter and the best that can be got under the circumstances may be used. Furthermore, if in such cases of emergency only doubtful matter can be got, it must be used when salvation is at stake, as in Baptism. Where the recipient is not in such need, but there is question only of great benefit, the doubtful matter may be employed—nothing better being available—but there is no obligation to employ it.

In all cases of reasonable doubt whether or not a Sacrament can be validly given, it should be given conditionally out of reverence to the Sacrament. The condition (v.g., 'if thou art not baptized,' for Baptism, 'if thou art living,' for Extreme Unction) must be expressed orally in accordance with the prescriptions of the Ritual. In all other cases, including conditional absolution, the condition need be only mentally formulated.

Pastoral Note

Some priests are so meticulous that they frequently confer the Sacraments conditionally when they should do so absolutely. This mistaken practice should be put aside. It is an abuse, and may be grave, because such action may leave the recipient in most distressing doubt, if the fact is known, and to add conditions needlessly to the administration of the Sacraments is against the mind of the Church and the practice of good priests, and is an absurdity in a grave matter.

CHAPTER I

THE MINISTER OF THE SACRAMENTS

SECTION 1. Principal and Secondary Ministers

CHRIST OUR LORD is the principal Minister of the Sacraments. But He uses man as instrumental and secondary minister, to act in His name as His representative and by His authority. But though man is secondary minister, he is a true minister nevertheless, and if legitimately delegated truly baptizes, absolves, and anoints. Such power was explicitly given by Christ to the Church. It may, however, be said at once that Baptism can be validly given by anyone who has the use of reason, and in Christian marriage the contracting parties are themselves the ministers of the Sacrament. For the other Sacraments, the power of Orders is necessary for their valid administration. Thus, a schismatical bishop can validly but not lawfully ordain; but an apostate priest cannot validly absolve, for his jurisdiction is taken from him, except in those cases, determined by the Canon law of the Church, as in canon 882, where jurisdiction is given to him for the sake of those in danger of death.

SECTION 2. Kinds of Ministry

1. The minister of the Sacraments is called the ordinary minister if, by virtue of his office, he has the power of always administering them, though, on occasion, he may require the permission of the Ordinary or of the parish priest to act lawfully. Thus, a priest is the ordinary minister of Baptism, though he may require permission to baptize children not of his own parish.

2. The extraordinary minister of a Sacrament is one who administers a Sacrament only by reason of special power or privilege or necessity. Thus, a deacon can administer Baptism with permission of the parish priest or local Ordinary (c. 741); he can administer Holy Communion with permission of the local Ordinary or parish

priest (c. 845, 2). A priest can administer Confirmation with faculties given him by special papal indult (c. 782, 2). A priest, though without the episcopal character, can by law or indult confer certain Orders (c. 951).

3. A minister is said to be consecrated for the administration of the Sacraments if he is deputed to do so by special rite.

4. A minister who solemnly, that is, with the full ritual, administers a Sacrament is called a public minister ; otherwise, he is a private minister.

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CHAPTER IV

VALID ADMINISTRATION OF THE SACRAMENTS

SECTION 1. General Conditions

THE minister of a Sacrament requires neither faith nor the state of grace nor holiness of life for valid administration of the Sacraments. That a minister in mortal sin can validly administer a Sacrament is defined as of faith¹; that an heretical minister can validly confer Baptism is also defined.² The Sacraments operate by divine power, and do not depend for validity on the disposition of their minister.

SECTION 2. Intention

1. It is necessary that the minister of a Sacrament should have the intention of doing that which the Church does in conferring Sacraments. This, too, is defined as of faith.³ That he must have some intention is clear from the fact that he is to act as a rational agent, and to act rationally some intention is necessary. It would, therefore, be impossible to confer Baptism in an hypnotic or a real sleep.

2. The object of this intention must be to do what the Church does, for the minister is acting as the dispenser of a sacred rite; he is, *ex hypothesi*, conferring a Sacrament or producing a Sacrament (as in the Holy Eucharist), and he cannot act as the minister or vicegerent of another except with the intention of acting in the name and person of that other. He must, therefore, obviously act as the minister of Christ; this is nothing else than to act as the Church itself acts. If an atheist doctor wished to confer Baptism at the request of the mother of a child, and did so, his intention is to act as he is desired to act, even though he did not believe in the Sacrament at all. He is then acting as the minister of the Church, and necessarily does what the Church intends to do.

3. In the minister of a Sacrament an actual intention is

¹ Conc. Trid., s. 7, c. 12.

² Conc. Trid., s. 7, c. 4.

³ Conc. Trid., s. 7, c. 11.

not necessary, though commendable ; a virtual intention suffices, for this suffices for a human act, and therefore for the sacramental act. An habitual intention is not sufficient, nor is the so-called interpretative intention. It is also obvious that the minister need not have the explicit intention of conferring a Sacrament or of acting in the name of Christ or of the Church, or of performing a sacred rite as such, or of producing any sacramental effect, for these are all included in the intention of doing what the Church does.

Furthermore, even though the minister is a heretic, and explicitly intends not to act as the Catholic Church acts but as his own Church acts, thinking it to be the true Church, his intention is sufficient, provided he does not rule out what is essential in the Sacrament. Since, moreover, the minister must act as a serious human agent, a fictitious intention or an action in jest would be insufficient, for the Church does not act in this way, nor does the minister then wish to perform a serious rite.

4. Lastly, the intention must be internal, and not external merely, as Catharinus and a few divines supposed.¹ The external intention which Catharinus defended consists in performing the sacred rite seriously and exactly as the Church performs it, and intending to do what the Church does externally, but internally having no intention of performing a sacramental rite, nor of intending to do what the Church really does, namely, to perform a sacred rite, or even having the contrary intention. The Church actually does perform a sacred rite, and the intention to do that is absolutely necessary.² There must, therefore, be an internal intention of doing this, and the external gesture—if we may call it so—will not suffice. The opinion of Catharinus was not condemned at the Council of Trent, but it appears to be incompatible with the doctrine of Pope Alexander VIII implied in the condemnation of the proposition : “The Baptism conferred by a minister is valid, though, whilst

¹ cf. Salmeron, in *Ep. S. Pauli*, lib. 1, pt. 3, d. 2, for a defence of the view.

² In Christian marriage, the intention of entering into the marriage contract is sufficient, for the contract is the Sacrament (cf. Umberg, *Syst. Sacram.*, n. 96).

observing the external rite and form of Baptism, he internally formulates this determination, viz., I do not intend to do what the Church does." The opinion of Catharinus is not now held by any divine, even theoretically, and in view of the proposition cited above, and the progress of opinion since his time, and the development of the teaching of the Church, the opinion must be considered as virtually condemned. Pope Benedict XIV therefore truly said that the opinion of Catharinus received a grievous blow by the condemnation by Pope Alexander VIII of the proposition quoted above.¹

5. The intention of the minister must be definite and specific in respect of the matter of the Sacrament and of the subject. It would therefore be an invalid consecration if the priest wished to consecrate some only but not all of the hosts in a ciborium, or to consecrate one of two hosts, not determining which one he intended to consecrate. A bishop would invalidly ordain, if, of several candidates before him, he intended to ordain one of them, but no one in particular ; also where several are presented to be baptized by aspersion, none of them would be validly baptized if the minister sprinkled water over them all and wished to baptize some of them but no one in particular. Such cases are probably academic, but the principle is of value, for cases unexpectedly arise in which it has to be invoked.

Though the subject of a Sacrament must be specifically determined, it does not follow that every mistake concerning the subject will always invalidate a Sacrament. Thus, the Baptism of a supposed boy would be valid, though the child was a girl ; the absolution of a penitent is valid, though the confessor thinks he is absolving some person other than the actual penitent ; the consecration of hosts in a ciborium is valid, though the celebrant thinks the ciborium only half full, whereas it is full.

SECTION 3. Conditional Intentions

The priest is obliged at times to have a conditional intention of conferring the Sacraments. If the condition

¹ *de Synod. Diac.*, lib. 7, c. 4, n. 8.

refers to past or present, the Sacrament is valid if the condition is verified ; if, however, it refers to the future, the Sacrament is invalid, for it is not valid when conferred, since the intention is absent, neither is it valid when the condition is fulfilled, since then there is neither matter nor form of a Sacrament. The only exception is Matrimony, for like every contract entered upon under a future condition, the contract will bind when the condition has been fulfilled, for the matter and form of this Sacrament are present so soon as the consent of mutual and legitimate giving and accepting the rights of marriage is present.

If the condition is known to God alone the Sacrament is probably valid but such conditions should not be laid down. If the condition concerns what will necessarily happen in the future, the Sacrament may or may not be valid ; the point is disputed and it is, therefore, unsafe not to say unnecessary and absurd to lay down such conditions. A grievous sin is committed if a Sacrament is conferred with a future unknowable condition annexed, since it is gravely irreverent, with the exception as stated above of Matrimony. A grievous sin is usually committed if a condition concerning the past or the present is annexed without any reason, unless it is certainly known that the condition has been verified. No sin, of course, is committed if a condition is annexed with sufficient reason, as in doubt as to previous Baptism, or as to present dispositions of a penitent, or in giving Extreme Unction to the apparently dead.

One intention may exclude another. If, then, the minister of a Sacrament has formed several intentions concerning the same act, such as might happen in the course of a confession heard, if the intentions succeeded one another, the later intention prevails unless a previous intention has explicitly annulled all subsequent intentions. The previous intention then remains operative. Should one intention exist habitually only, a contrary actual intention would eliminate it, for what is actual prevails over what is habitual. If the contrary intentions existing together in the will have been formed and never revoked, that one prevails which would certainly be chosen, if the minister knew that both

could not co-exist. If it be possible for contrary intentions to co-exist, neither being preferable, no Sacrament would be conferred since one intention excludes the other.

SECTION 4. Attention in conferring the Sacraments

Some attention is necessary in conferring the Sacraments as in every human act. In internal attention, there is usually full advertence to what one does. So much is, obviously, not necessary, for we do many things and act in a human way without this advertence. A lesser degree of attention is therefore sufficient and this is called external attention, which, though internal in itself, is very vague, but is sufficient to carry us through a human act, provided we do nothing that is incompatible with a full internal attention if it were suddenly required. It would be an error to call this act purely automatic. Such external attention is present when one assists at Mass without conscious advertence to what is going on, but at the same time without so engrossing the mind with things that are not compatible with true attention to Mass. It is possible, for example, to recite the Rosary and attend to Mass ; it is not possible to concentrate the mind on an abstruse mathematical problem and at the same time to attend to Mass. This kind of external attention, as it is called, is sufficient in prayer, in reciting the divine office, in hearing Mass, in receiving the Sacraments, and in conferring them. It is not necessary, therefore, to have actual attention to what is being done in conferring the Sacraments, but as some attention is necessary in every human act, the most that can be required is that amount and degree of advertence to what we do which is not incompatible with what we do. Divines sometimes speak of virtual attention but the term is misleading and should not be used.

CHAPTER V

LAWFUL ADMINISTRATION OF THE SACRAMENTS

SECTION 1. General Conditions

WHAT is required for validity is, of course, also required for lawfulness in conferring and administering the Sacraments. Therefore there are required : Intention, as already explained, attention that is internal, the state of grace, authorization, observance of the ceremonies prescribed.

SECTION 2. Internal Attention

Internal attention excludes all voluntary distraction, and therefore this amount of attention is necessary in the minister of the Sacraments, since they are holy and sacred rites, performed in the name and person of Christ our Lord. Voluntary distraction is usually a venial sin, but mortal in real and serious danger of error in the form or application of the matter of the Sacraments. In point of fact, the danger of not truly absolving penitents is sometimes present if the confessor becomes careless or hasty in pronouncing the form of absolution. There is similar danger in want of full attention to the words of consecration in Mass. In conferring Extreme Unction there is less danger, since the pastor uses the Ritual. There appears to be little danger in the rest of the Sacraments, but outside the Church in this country, one may reasonably doubt the validity of a Baptism conferred by aspersion, so great was the carelessness of Protestants of a former generation.

SECTION 3. The State of Grace

The state of grace means freedom from the guilt of grievous sin. This is required in the minister because the Sacraments are holy rites and the minister acts in the name and person of Christ. Consequently, if the minister, about to confer a Sacrament, is conscious of being in grievous sin, he must, before his sacramental action, acquire the

state of grace by going to confession or by eliciting an act of perfect contrition, except that before celebrating Mass he must confess his sins, by virtue of positive ecclesiastical precept (c. 807)¹; if there is no confessor available and if the minister must celebrate Mass, it will suffice if he elicit an act of perfect contrition before Mass, but he must confess within three days, if possible.

1. A minister who confers a Sacrament or consecrates at Mass, being in conscious mortal sin, commits a grievous sacrilege, as explained below (4).

2. When he elicits an act of perfect contrition, confession not being possible or obligatory (c. 807), he may have no moral certainty that his contrition is perfect, but if he prudently and sincerely thinks that he has done his best, he may rest content, and should not harass himself with scruples or misgivings, for the Church supposes perfect contrition not only possible but easy.

3. In urgent cases, where apparently there is no time to elicit an act of perfect contrition—though this need not be admitted—he will not commit sin by conferring the Sacraments or celebrating, for he is not a free agent. But he should certainly elicit an act of sorrow.

4. A grave sacrilege is committed when Sacraments are conferred by a minister in mortal sin, at least if the said minister is a consecrated minister and confers the Sacraments with solemn rites. This would be the case of a priest who baptizes solemnly, absolves penitents, gives Extreme Unction, and in a bishop who ordains to the diaconate or the priesthood.

It is doubted whether the sin is grave or light if either of the two conditions, namely, deputation and solemnity, is absent. Consequently, in the following cases, grave sin will not be committed, viz., in mere administration of Holy Communion, in touching or carrying the Blessed Sacrament, in private Baptism either by priest or lay person, in assisting at marriage, in acting as the true minister in marriage (which is the case of lay people marrying), in giving tonsure

¹ More is said on this in the treatise on the Holy Eucharist (*infra*, vol. III, pp. 101—102).

or minor orders, or (probably) subdiaconate, in consecrating churches, altar requisites, as chalice and paten, holy oils, in assisting at sacred functions, such as being deacon or subdeacon at Solemn Mass, or exposing the Blessed Sacrament for Benediction.

5. A priest who celebrates Mass in conscious mortal sin commits a twofold sacrilege, by consecrating and by receiving Holy Communion.

6. A priest who administers Holy Communion in conscious mortal sin certainly commits a venial sin (outside cases of urgent necessity) as often as he performs that sacred function ; his sins are not multiplied in proportion to the number of communicants on a given occasion. Similarly, it is held probable by divines of great authority—though their reasoning is obscure—that a confessor, conscious of mortal sin, commits grievous sacrilege as often as he exercises the function of confessor and absolves, but not in proportion to the number of penitents on a given continuous occasion. The reason urged is that it is each several exercise of the ministry that is a sacrilege, but not each several absolution given. The reason appears unconvincing, since in each absolution he confers a Sacrament. The same reasoning would apply in cases of several Confirmations, Baptisms, Extreme Unctions, Ordinations, conferred on one given occasion. There is said to be a moral unity between all ; there is, as it were, one human act and an act of irreverence towards one and the same Person, namely, Christ our Lord. One must admit the probability of this view, owing to the authority of those who maintain it.

SECTION 4. Authorization

Legitimate authorization is necessary for producing and conferring the Sacraments, for to the Church alone is given that power and it is for her to depute her ministers. General authorization is given by law for private Baptism in cases of necessity, and for Marriage. In all the other Sacraments, special authorization, either of the law itself or of the properly accredited minister (Ordinary or parish priest) is necessary.

24 THE SACRAMENTS IN GENERAL

Thus, outside cases of necessity, the parish priest's permission is necessary for solemn Baptism, Holy Viaticum and Extreme Unction within his territory ; exception is made for religious Superiors giving the Sacraments to their subjects, outside the religious house and in a parochial territory.

SECTION 5. Observance of Ceremonies

1. Canon 733 prescribes that in producing, administering and receiving the Sacraments, the rites and ceremonies prescribed in the liturgical books approved by the Church are to be accurately observed. The rites are those prayers and formulas to be used, the ceremonies are the acts, signs and movements which accompany the rite, and the things to be used are lights, incense, vestments. These are all prescribed by the Church for the sake of reverent external worship of God, and that the mysteries of the Faith may give the appearance of what they are, namely, something sacred, and that the devotion of the faithful may be helped and increased. The liturgical books of the Latin rite, which alone is here considered, approved by the Church are the Missal, the Roman Ritual, the Roman Pontifical.

2. In the Sacraments, the essential rites, those, namely, which have immediate reference to the matter and form of the Sacraments, must always be observed under pain of grievous sin for they affect the validity of the Sacraments. Accidental rites, those, namely, which have been instituted by the Church must be observed under pain of grievous sin, if they are of great moment by reason of their nature. The omission of rites of lesser moment, if arising out of contempt or if very considerable, will be a grievous sin. The omission of ceremonies which are matter of counsel not of precept, will not be sinful apart from contempt.

CHAPTER VI

REPETITION OF THE SACRAMENTS

It is grievously sinful for the minister to repeat those Sacraments that may not be repeated without reasonable cause, but whenever a prudent doubt based on probable reasons persists regarding the validity of a Sacrament bestowed, that Sacrament may be repeated (c. 732, 2), and it is to be observed that when the good of others is at stake or the mental anxiety of the recipient is concerned, repetition may the more readily be conceded. The repetition of the Sacrament ought to be done where its validity is doubted—or rather, so long as its validity is not morally certain—in cases when the Sacrament is necessary, whether absolutely and of its nature, as Baptism, or relatively and in respect of the good of others, as Ordination, absolution, Extreme Unction. Consequently, in doubt as to validity, Baptism, Ordination, absolution of the dying, Extreme Unction of the unconscious, and consecration of doubtfully consecrated hosts, must be repeated.¹ Though repetition may not be obligatory in certain cases, necessary Sacraments may be repeated where the recipient is greatly distressed at a supervening doubt.²

In the case of the Sacraments that are not necessary, as Confirmation, Matrimony, Extreme Unction of one who has been absolved, each case must be considered on its own merits, and the minister must be guided by the reasonableness of the doubt, the good of the recipient and his own opportunities. When the invalidity of a Sacrament is certain, the Sacrament must be repeated absolutely ; when the invalidity is doubtful, it must be repeated conditionally.

The condition is to be verbally expressed in Baptism and Extreme Unction in accordance with the prescription of the Ritual³ ; in the other Sacraments the condition may be

¹ The case of conditional reconsecration of hosts is dealt with later.

² Cappello, I, n. 27.

³ *Rit. Rom.*, tit. ii, c. 1, n. 9 : tit. v, c. 1, n. 14.

mentally conceived, but if publicly repeated, the condition should be expressed in words.

Ordination that has been doubtfully bestowed must be repeated conditionally and secretly. The Holy Office adds the phrase *facto verbo cum Ssmo*, in order that Masses celebrated by the ordinand, which may have been invalid, may be supplied out of the treasury of the Church, so that the conditionally reordained priest is not obliged to repeat the Masses already said by him.

CHAPTER VII

THE USE OF PROBABLE OPINIONS

SECTION 1. Probable Opinion of Validity

IN conferring the Sacraments (as also in Consecration in Mass) it is never allowed to adopt a probable course of action as to validity and to abandon the safer course. The contrary was explicitly condemned by Pope Innocent XI. To do so would be a grievous sin against religion, namely, an act of irreverence towards what Christ our Lord has instituted ; it would be a grievous sin against charity, as the recipient would probably be deprived of the graces and effect of the Sacrament ; it would be a grievous sin against justice, as the recipient has a right to valid Sacraments, whenever the minister, whether *ex officio* or not, undertakes to confer a Sacrament. In the necessary Sacraments, there is no doubt about the triple sin ; in Sacraments that are not necessary, there will always be the grave sacrilege against religion.

The same is true of one who uses a probable opinion in the reception of a Sacrament, in respect of its matter or form, for his action exposes the Sacrament to invalidity. When, however, it is a matter of receiving the actual grace or effect of a Sacrament that is valid, a solidly probable conviction of fitness to receive is sufficient, for moral certainty cannot be obtained except by sacramental confession, and this, apart from reception of the Holy Eucharist, is not prescribed. For it is well said by authors that if absolute certainty were necessary, no one in conscious mortal sin could ever receive a Sacrament of the living—such as Marriage—without a very serious effort to make an act of contrition or without previous confession, and since this practice must be judged to be extremely troublesome, and its imposition the cause of continual anxiety and scruples, it must certainly be considered unnecessary. Such being the difficulty, the recipient of a Sacrament of the living who

has good probable reason for thinking that he is in the state of grace does not act rashly nor irreverently if he is content with that probability as to his state of grace.¹ When, therefore, such grave inconveniences are present, it is permissible to act on probable opinion in respect of the effect and fruit of the Sacrament, but not otherwise.

SECTION 2. Probable Opinion in Necessity

In cases of urgent necessity, as when a dying child is to be baptized, and when it is impossible to secure certainly valid matter, viz., natural water, the child should be baptized with matter that is probably valid, and indeed the more probably valid. But to do so is not to abandon the safer method for a less safe method, since the safer method is, *ex hypothesi*, not possible. The same may be said of anointing a dying person with oil of catechumens, if the oil of the sick is not available. But since the Sacrament in such cases is not certainly valid, it must be conditionally repeated, if possible. Though the safer opinion may not be rejected in favour of a merely probable opinion in conferring or receiving the Sacraments, nevertheless, a perfectly safe opinion may be followed, though its contrary is safer, for a safe opinion is a morally certain one, and more than that cannot reasonably be demanded.

Furthermore, it may happen that a penitent is greatly distressed as to the value of his sorrow in confession. If this state of mind is frequent, and if it is the cause of great disquiet and anxiety, he may receive the Sacrament in virtue of his probable conviction that his sorrow is sufficient; the same may be said of a priest who consecrates in Mass but is in frequent anxiety as to his intention, or the confessor who continually doubts, where others would not doubt, about the disposition of penitents. In such cases, a probable opinion concerning the validity of a Sacrament, where the human element enters, is sufficient, since otherwise the conferring and the reception of the Sacraments would become a source of perpetual anxiety, and in not a few

¹ Gén., II, n. 131, quoted by Cappello, I, n. 34.

cases might lead to insanity. In fact, such cases are cases of real and urgent necessity.¹ Similarly, as it is solidly probable that a priest in conscious mortal sin who distributes Holy Communion does not commit mortal sin, he may avail himself of the probable opinion. He will not sin grievously by doing so. His action is concerned about the right method of administration, not the validity of a Sacrament.

¹ Cappello, I, n. 37.

FRATERNITAS SACRAMENTALES SANCTI PETERI

CHAPTER VIII

THE OBLIGATION OF ADMINISTERING THE SACRAMENTS

SECTION 1. An Obligation of Justice

THE obligation of administering the Sacraments that are necessary for salvation to those who are in serious need of them is a grave obligation of charity on all who can administer them, even though they have no cure of souls. The obligation is also one of justice on those who officially have the cure of souls, as local bishops, parish priests and their representatives (c. 451), their assistants, religious Superiors in respect of their own subjects, and that, not merely in necessity, but when the subject legitimately and reasonably asks for the Sacraments (c. 467). The foundation of this serious obligation is both the precept of the Church and the contract entered upon, for on the one hand, the pastor is maintained and honoured by his people, and on the other, the people are subjected to their pastor.

Reasonable request for the Sacraments is made whenever the faithful are bound to receive them, when they are in grievous sin or temptation and seek the grace of the Sacraments, and when they need them for their spiritual progress. Consequently, a pastor will sin grievously by refusing even once the Sacraments that are necessary or are enjoined, by frequently refusing to give the Sacraments when sought out of devotion, if refusal results in grave injury, great spiritual anxiety, scandal, grave offence, and by persistently showing his displeasure or annoyance. The practice of frequent and even of daily Communion has extended the obligations of pastors, for where daily Communion is in vogue in any parish amongst not a few of the congregation, the pastor may not now—as formerly he could—be absent or omit saying Mass for several days each week. But requests must be reasonable, since requests at unsuitable times or from scrupulosity are not reasonable, and even a refusal now

and then—unless Sacraments are necessary—will not be a grave sin, for grave injury is not done nor is it a grave dereliction of duty. In cases where the pastor would have to undergo grave inconvenience, as by travelling a great distance, or in bad weather, or when he is indisposed, he is not obliged to administer Sacraments that are not necessary every time they are sought. But he must, even under the gravest inconvenience and at the risk of his life, if he cannot get a substitute, administer those Sacraments that are necessary to those of his subjects who are in extreme or in quasi-extreme need. Such are Baptism, sacramental absolution, and Extreme Unction, the latter, when absolution can be given only conditionally to the unconscious. If the need of his people is grave but not extreme, his obligation will be grave but not so grave as in the former cases. It is obvious that there is extreme need in the case of infants dying without Baptism ; there is quasi-extreme need in the case of sinners dying who are so ignorant that they do not know how to make an act of contrition, though the supposition is hardly to be admitted in the case of Catholics.¹ Grave necessity is present in the case of every sinner in danger of death and everyone in proximate danger of falling into mortal sin.

SECTION 2. Personal Administration

During time of plague, the pastor is obliged personally as far as possible, to administer at least the necessary Sacraments, namely Baptism and Penance. He may, however, occasionally do so by proxy, but he would fail in his duty if he did so always. Furthermore, he may not desert his flock in time of plague. It is stated by many authors that these two Sacraments alone need be administered, but this opinion cannot, it seems, be held in view of the decree referred to in the note.² It has been stated that

¹ The opinion of Ball.-Pal., Génicot and Cappello at least. The author doubts the truth of the opinion, for every confessor knows that some Catholics forget how to make an act of perfect love or contrition.

² cf. Cappello, I, n. 67, where it is proved that authors have, apparently, misread the decree of S.C.C., Oct. 26, 1576, which does not say that only Baptism and Penance must be administered to those stricken with plague, but that these two Sacraments must certainly be administered.

since the faithful know how to baptize a child in danger of death at its home, the pastor need not go himself to baptize it. But many of the faithful are extremely ignorant of even so important a matter, and we think that the opinion cannot be acted upon, except in very rare cases.

Those priests who have not the cure of souls are bound in charity to administer Sacraments when reasonably asked for :

1. Under a most serious obligation and at the risk of their lives in extreme or quasi-extreme need, provided the need is certain and expectation of success equally certain.

2. Under less serious but still grave obligation if the need is grave but not extreme.

During a plague, some at least will be in extreme need, and therefore in default of others, such a priest will be bound, at the risk of his life, to administer Baptism and Penance, and, in the case of the unconscious, Extreme Unction.

Pastoral Note

It is to be observed, however, as authors point out, that a most serious obligation on the pastor is present when he is certain that one of his flock is in grave and certain danger of death, and when there is certain expectation of success in his ministry. Nevertheless, the good pastor will not weigh probabilities, but will seek out and diligently attend to all the sick of his parish. If the district is too large, he must do what he can, and instruct his people most carefully and continually to summon him at the approach of grave sickness, and when the summons comes, he must hasten without delay, even if now and then his errand is a fruitless one, for the death of any parishioner without the Last Sacraments would be a serious disaster. Even after he has fulfilled his duties and has given the last rites to the sick, he must be willing to call on them at short intervals, of perhaps a week or a few days, if he can do so, for even the sick may relapse into grievous sin. They should, however, be instructed how to make acts of perfect contrition and to make them daily.

CHAPTER IX

REFUSAL TO ADMINISTER THE SACRAMENTS

SECTION 1. Administration to the Unworthy

It is obvious that as some of the Sacraments, once validly and certainly given, cannot be validly repeated, they may not on any account be given a second time. To make a show of giving them, under threat of death—if such a case were possible—would be a sacrilege.

The Sacraments must, as a general rule, be refused to those who, though capable of receiving them, are unworthy to do so. But that there should be, in a given concrete case, such an obligation, the pastor must be certain of the unworthiness of the would-be recipient. The minister of the Sacraments must assure himself, by positive proof, of the fitness and worthiness of those adults who seek Baptism, of penitents in the Sacrament of Penance, of candidates for Sacred Orders, and of persons about to be married in respect of matrimonial impediments, for some of these render a marriage invalid, others illicit. In the case of Confirmation, Extreme Unction and Holy Eucharist, presumption of worthiness is sufficient.

It was stated above that, as a general rule, the Sacraments may not be given to those who are unworthy to receive them. But for a very grave reason it is permissible to administer them when greater evils would arise from refusal and when co-operation is material only. But grave scandal must always be precluded. Cases in which this material co-operation would be permitted are : Lest the sacramental seal be violated, as in the case of a public communicant whom the priest knows from confession to be unworthy ; lest grave scandal arise ; lest the faithful should be deterred from the Sacraments if unworthiness that was secret were to be made public. It is to be observed that Matrimony is in a class apart, for the ministers of that Sacrament are the parties themselves, and there is no question of the priest conferring a Sacrament. Co-operation would, therefore,

be more easily allowed in such a case. It is considered probable that a minister may confer a Sacrament on the unworthy when refusal would result in his death or some other equivalent evil, for if he may do so to shield the good name of an unworthy recipient, it appears right that he may safeguard his own life or other equivalent good.

But Sacraments may never be given or administered when they are asked for out of hatred of the Faith or contempt of religion. Material co-operation is not permissible in such cases, because the minister would be supplying the occasion or instrument for the dishonouring of God.

SECTION 2. Administration to Heretics and Schismatics

It is forbidden to give the Sacraments to heretics or schismatics, who ask for them, even though they err in good faith, unless they first reject their errors and are reconciled to the Church (c. 731, 2). A good deal of controversy has centred round the application of this canon. The following propositions appear to be defensible :

1. If the said heretics or schismatics are formally such, that is, in bad faith, it is obvious that they are unworthy of the Sacraments.

2. If they are materially such, that is, in good faith, they are equally to be refused the Sacraments since they do not acknowledge the Church, *de facto*, and do not belong to the body of the Church.

3. If the heretic or schismatic is lying dangerously ill and is not yet unconscious, and if he is a formal heretic or schismatic, he may not be absolved.

4. If the same is not a formal but a material heretic or schismatic, and is unconscious, it is commonly held that he may be absolved conditionally, for being a material heretic or schismatic, his good faith is a presumption, indeed a proof, that he wishes to belong to the true Church and wishes to have all that it can give him.

5. If the same is only a material heretic or schismatic, and is still conscious, has not renounced his errors, and therefore has not been reconciled externally to the Church :

(a) He may not be absolved before being excited to sorrow for his sins and before he is prepared to do all that God wishes him to do. It is here assumed that he is baptized.

(b) If he has such dispositions, it is thought by some divines that he may then be absolved conditionally, for he has the implicit intention of receiving absolution in his readiness to do God's Will, he has sufficient sorrow, and his confession, being general, is sufficient and he may well have that supernatural faith which is required and sufficient for justification. It is an accident and not blameworthy that he is convinced that his own church and not the Catholic Church is the true one; indeed he believes that his own church is true and the Catholic Church false; being in good faith, he belongs to the soul of the Church, which includes all those who, known only to God, adhere firmly in their will to the Church of Christ, though not aggregated to it. Such a one, in spite of material not formal heresy, may, therefore, be absolved conditionally, and may be given a readier means of salvation.¹ Many divines are of opinion that this conclusion is patently opposed to the canon (c. 731, 2); they assume that the canon includes cases where the person is in danger of death. This assumption has to be proved.

SECTION 3. Administration to Public and Occult Sinners

The Sacraments are to be refused to a public sinner, whether he asks for them publicly or secretly, except, of course, the Sacrament of Penance if he has the necessary dispositions. Such a one has no right to the Sacraments, with the exception of Penance. That sinner is called a public sinner, absolutely speaking, if he is notoriously so; he will be a notoriously public sinner, if he has been juridically condemned as such, or has admitted his sin, or if his sin cannot be concealed nor excused, or if his sin is noised abroad so that it can be easily known anywhere.

¹ The conclusions adopted are those of Cappello, II, n. 237.

He is, relatively speaking, a public sinner, if he is known to be such by those who observe that he asks for the Sacraments. He is said to ask for them publicly, if he does so in the presence of any others, many or few, who would recognize him as a public sinner. If the sin is publicly known in some place other than that where he asks for the Sacraments, and if it is not likely to become known soon in the latter place, the Sacraments may be given.

A public sinner will have made sufficient retractation of his sin and may publicly ask for the Sacraments, if he is generally known to have confessed his sins, and if, in those cases where it may be necessary, he has effectively removed the scandal by withdrawing from occasions of public sin or retracting scandalous opinions which he has expressed. He need not necessarily do all this in presence of a great number of the faithful ; it would be sufficient if his emendation could be publicly known soon. The pastor should be morally certain of a public sinner's emendation and of the removal of scandal, for the dignity of the Sacraments must be certainly safeguarded in the minds of the faithful.

Prescinding from the knowledge acquired in confession, an occult sinner must be refused the Sacraments if he asks for them privately, for there is no defamation of his character in such refusal. If, however, such a sinner ask for the Sacraments publicly, he may not be refused, since the refusal would be a public defamation of his character and a scandal to the faithful who would thereby be deterred from the Sacraments.¹

¹ cf. Cappello, I, n. 73 sqq. In regard to the exclusion of Communists from the Sacraments generally and from the Sacrament of Marriage in particular, *vide* Vol. II. Appendix 2, p. 45.

CHAPTER X

SIMULATION IN CONFERRING SACRAMENTS

It is possible to make a pretence of conferring a Sacrament, either by withholding the intention, though the true matter and form are employed, as in fictitious Baptism, or by employing matter that is invalid, though the fact is concealed, as in a pretended consecration of water instead of wine in Mass, or by anointing an indisposed person with unblest oil, or by using an insufficient form of words. Each of these cases is simulation of a Sacrament, whereas pretence in administering a Sacrament might take place when neither the matter nor the form of a Sacrament is employed. This would be the case, where a priest blessed an indisposed penitent, or pretended to give the Sacred Host to a communicant, or gave a communicant an unconsecrated host. The distinction, therefore, between simulation of a Sacrament and pretence in administering a Sacrament is important, for the former is always a grave sacrilege whereas the latter is not.

It is always a grave sacrilege to simulate the production of a Sacrament, and this may never be done even to avoid death, for it is the misuse of that which was instituted by Christ as a sacramental rite or part of it. It is likewise a grave sin to pretend to give a consecrated Host to a communicant by substituting one that is unconsecrated, for this is deliberately to afford an occasion of material idolatry. A case might arise in which the priest could be justified in pretending to give in Communion a consecrated Host, but withdrawing It, and replacing It in the ciborium. This is to pretend to administer a Sacrament and is quoted by divines as permissible for a very grave reason.

Other cases of lawful pretence of administering a Sacrament are, v.g., if a penitent is indisposed for absolution and knows it, but is blessed by the priest in order that bystanders may not be aware of the refusal of absolution ;

if a penitent, indisposed for absolution, is blessed with a negative form of absolution, as : "*Ego te non absolvo*" ; if a party to a marriage, conscious of an impediment, gives a fictitious consent to the contract, or if a young woman under the influence of grave fear withholds her consent in the celebration of the marriage ceremony.¹ Cases have occasionally arisen, in which a girl has been able to prove to the satisfaction of the ecclesiastical Courts that, being under duress, she gave no true consent to her apparent marriage. Provided sufficient evidence of the facts was produced, the Courts have pronounced a decree of nullity. The Canon law (c. 1087) declares those marriages invalid which are forced upon a person by grave, unjust, external violence or fear.

¹ S. Alph., lib. 6, n. 61 ; Cappello, I, n. 79.

CHAPTER XI

THE SUBJECT OF THE SACRAMENTS

SECTION 1. Valid Reception

1. THE recipient of a Sacrament, if an adult, must wish to receive it. In general, an habitual intention suffices, which probably need be no more than implicit, that is, the general intention of receiving what is necessary or useful for salvation.

2. Faith is not required, except for the Sacrament of Penance, for this requires an act of supernatural sorrow, which involves faith.

SECTION 2. Licit Reception

1. For the licit reception of Baptism and Penance, in addition to what is necessary for valid reception, supernatural sorrow is required in one who has sinned. Attrition is sufficient.

2. For the licit reception of the other five Sacraments, the state of grace is necessary, which can be acquired by perfect contrition, but for the reception of the Holy Eucharist, sacramental absolution of mortal sins is necessary, except when reception cannot be deferred—and there is no confessor available; but an act of perfect contrition for mortal sins must then be made. For Extreme Unction, if confession is not possible and if the subject thinks he cannot make an act of contrition, attrition is sufficient.

3. Normally, it would be sinful to receive a Sacrament from a minister who would, in the opinion of the recipient, commit a sacrilege in conferring it. But for reasons of necessity or great utility, a Sacrament may be received from an unworthy minister, even excommunicated or suspended. But if he is condemned or declared to be a heretic or schismatic, the necessary Sacraments may be asked for in danger of death, provided that there is no approval of his errors nor danger of perversion, and the other Sacraments also if no legitimate minister is available (c. 2261).

4. The recipient of a Sacrament may in necessity be guided by the best probabilities that he can command when certitude concerning its validity or fruitfulness is impossible.

TREATISE X

BAPTISM

CHAPTER I

THE SACRAMENT AND ITS EFFECTS (c. 737)

SECTION 1. The Nature of Baptism

BAPTISM is a Sacrament of the New Law instituted by Jesus Christ by which man is spiritually born by means of ablution with water and the express invocation of the three Divine Persons of the Blessed Trinity. It is, therefore, the Sacrament of regeneration through water in the word or form. Consequently, it differs from all other Sacraments, not only in respect of its matter and form, but also by reason of its specific effect, namely, spiritual rebirth. It is true that the Sacrament of Penance restores the extinct spiritual life to the soul, but it does not produce a regeneration strictly so called ; it restores a life that had become extinguished by the loss of sanctifying grace through grievous sin. Baptism, however, imparts that life from the beginning.

Baptism is the gate or entrance to the other Sacraments, so that actual Baptism by water is essential for the valid reception of any other Sacrament ; it is called also the foundation of the other Sacraments, for without actual Baptism by water, the other Sacraments have no foundation, as a title to sacramental effect, on which to rest. Thus, though a man can be forgiven grievous sin, receive sanctifying grace and be saved without actual Baptism—if he is unable to receive Baptism and makes an act of the love of God—he could not validly receive priestly absolution from his sins and it would be a sacrilege to attempt to give it to him.

SECTION 2. Baptism of Desire and of Blood

The Baptism hitherto spoken of is Baptism by water. But since God wishes all to be saved, and since Baptism

by water is not always possible, its place can be supplied by Baptism of desire or of the Holy Spirit, and by Baptism of blood. Baptism of the Spirit means the reception of sanctifying grace, and therefore of spiritual life through an act of perfect charity or of perfect contrition for sin, and these acts include, at least implicitly, the desire to receive actual Baptism, inasmuch as they include the desire to fulfil all the commands of Christ. This Baptism of the Spirit remits mortal sins and the eternal punishment due to them. Baptism of blood means martyrdom endured by an unbaptized person for Christ or for the Faith or for some other Christian virtue, faith being pre-supposed. The martyrdom of children, who cannot exercise a human act, supplies in their case the place of actual Baptism by water. In an adult, some act of sorrow for actual mortal sin, if present, is necessary for fruitful reception, and some intention of receiving Baptism for valid reception.

Baptism by water or the desire of it (*in re aut in voto*) is necessary for salvation for all adults: "Unless a man be born of water and the Holy Ghost, he cannot enter into the kingdom of God" (Jn. 3, 5). For adults, it is necessary for salvation as a matter also of divine precept, since they are seriously bound to take the means that are necessary for salvation.

SECTION 3. Effects of Baptism

The effects of Baptism are: remission of original and actual sin, if sorrow for the latter is elicited; remission of all punishment, both eternal and temporal, sorrow being elicited for actual sins; bestowal of sanctifying grace and the right to actual graces; infusion of the supernatural virtues and gifts of the Holy Ghost; bestowal of the baptismal seal; aggregation to the kingdom of Christ, incorporation in the mystical Body of Christ and spiritual regeneration to divine sonship.

CHAPTER II

THE MATTER AND FORM OF BAPTISM (c. 737)

SECTION 1. The Matter

THE matter to be employed in Baptism is true and natural water and that alone for valid reception. This is defined doctrine of the Church. Such water may be all natural waters, such as those of springs, wells, rivers, lakes, the sea, pools, cisterns, rain, melted snow, ice or hail, mineral water, dew, condensation, muddy water mixed with foreign matter, provided the water predominate, putrid water if it still remains, in common estimation, true water. If water is mixed with other substances, it will still be valid matter if it forms the greater part of the mixture. One part corrosive sublimate (mercuric bichloride) to a thousand parts of natural water is valid and, in certain cases where there is danger of infection, permitted.¹ The following substances are at least doubtfully valid : Liquid produced from salt, the tenuous liquid exuding from trees, water expressed from flowers or plants ; and also thin soup, beer, lye, and rose water. Many liquids are, of course, invalid and need not be here enumerated. It is sufficient to mention, as invalid matter, milk, blood, spittle, saliva, perspiration, tears, mud, ink, juice of flowers or roots.

The water to be used in solemn Baptism is the baptismal water that is blessed on Holy Saturday or on the vigil of Pentecost ; in private Baptism, water not blessed may be used, but baptismal water should, if conveniently possible, be used. Holy water is used in the Baptism of converts.

In cases of necessity, where certainly valid matter cannot be had, doubtfully valid matter such as rose water may be used, but Baptism must then be administered conditionally. The use of dirty, putrid water, when fresh water can be got, is grievously irreverent. The use of unconsecrated

¹ S.O., Aug. 21, 1901 ; Coll. P.F., n. 2121.

water in solemn Baptism when baptismal water could easily be had is a serious sin.

The proximate matter of the Sacrament is ablution by water, and in every ablution there is expressed, in however small a degree, the essence of immersion. For the valid reception of this Sacrament it is necessary that the water should physically touch the body in one of its principal members, so that ablution could be said to have taken place. Such ablution may take place by immersion, infusion or pouring, and by aspersion or sprinkling. Each of the three methods is valid and legitimate, though infusion is the method now generally in use. It is essential in infusion that the water should flow so as to touch successively, and in aspersion simultaneously, several portions of the body. This is obviously done when water is actually poured over a part of the body or when, with wetted hand or finger, the water is made to touch successively several portions of the body, or when a wet cloth is drawn over and not merely placed upon the body, provided water flows over the skin. In any case, a single drop of water could hardly be said to flow successively over several parts of the body. Since, therefore, the essence of ablution must be realized, considerable doubt was entertained concerning the valid administration of Baptism by non-Catholic ministers who were accustomed to sprinkle a batch of children with a brush. The intrusion of personal opinion in matters of such great moment, deprived, we cannot doubt it, a great number of children who died in infancy of the Beatific Vision. Catholic priests are, therefore, unwilling to take for granted the validity of the Baptism of intending converts ; they require a proof that it was certainly not merely probably valid.

The water must touch the skin of the person being baptized, preferably on the front of the head of an infant where there is no hair or on the forehead in both infants and adults. If a new-born infant must be baptized, and if its body has been rubbed with oil, the water of Baptism must not be allowed merely to flow over the oil, but the forehead should be thoroughly—but gently—rubbed as the water is poured.

If the head of a child dying in the womb cannot be reached, the doctor or midwife should baptize some other principal part, chest, neck, hand, or arm. This matter will be treated at greater length later.

SECTION 2. The Form

The form prescribed in the Latin Church in the vernacular is : " I baptize thee, in the name of the Father and of the Son and of the Holy Ghost." The words must be pronounced during the ablution, though if pronounced immediately before or after, the Baptism is valid¹ : the Greek form is : " The servant of Christ is baptized in the name of the Father and of the Son and of the Holy Ghost." Where the language of a people employs a past tense to signify a present action, the Baptism is valid.

The form must certainly express (however implicitly, as in the Greek form) the action of the baptizer, the act of baptizing, the person baptized, the Unity of the Divine Nature, and the Trinity of Persons. All of these elements in the form are, in practice, to be emphasized. Intentional substantial change or any protracted interruption in pronouncing the form will render it invalid. It is not necessary here to explain the many forms that might be invalid or doubtfully valid. The pastor will take care to pronounce the proper form. If, *post factum*, he has any doubt, he will repeat the Baptism conditionally.

The only points that need be mentioned are these :

1. Where a person is held by the minister under flowing water, as from a fountain or gutter or in the rain, the Baptism would be valid if the proper form was employed.
2. Where another than the minister pours the water whilst the latter pronounces the form, the Baptism is invalid. Thus in Baptism by immersion the minister must apply the water.
3. No one can baptize himself.
4. Where another than the minister pours the water, but the minister, with his hand or some instrument, directs the water on to the person to be baptized, the Baptism is valid.

¹ S.C. de Sacr., Nov. 17, 1916.

5. Where several ministers partially and severally co-operate in the essential part of the rite, the Baptism is invalid. Solemn Baptism is that administered with all rites and ceremonies prescribed in the ritual books ; it is private Baptism if what is essential is done and only a few of the ceremonies are used.

6. For valid Baptism, moral union between matter and form is sufficient, so that if the form immediately precedes or follows the ablution, Baptism is valid.¹

¹ S.C. de Sacr., Nov. 17, 1916.

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CHAPTER III

THE MINISTER OF BAPTISM (cc. 738-744)

SECTION 1. The Ordinary and Extraordinary Ministers

THE ordinary minister of solemn Baptism is a priest, but the canons prescribe that its administration is reserved to the parish priest of the subject and restricted to his territory, or to another priest having the permission of the said parish priest or local Ordinary. This permission may be presumed in cases of necessity. The title of parish priest is to be interpreted according to the canons, and therefore it includes the actual parish priest (c. 451), the actual vicar of a parish held by a Chapter, monastery, etc. (c. 471), a quasi-parish priest (c. 216), a substituted vicar (c. 474), a vicar *œconomus* (c. 472), the legitimate curate when the parochial office falls vacant (c. 472), the assistant curate with full delegated powers (c. 475). All curates who have general delegated jurisdiction have the right to baptize, but with due dependence on their parish priest (c. 476).

This legitimate power of baptizing extends primarily to the subjects of the minister, but the canons give permission to the parish priest to baptize strangers living in his parish if these cannot easily and without undue delay be baptized in their own respective parishes.

Since the administration of Baptism is one of the rights of a parish priest, this Sacrament may not be administered by a priest, even to his own subjects, in the district of another without due permission, except in a case of necessity.

Where districts are not delimited, particular statutes and approved customs must be observed. Thus, where parishes are linguistically differentiated, as when a congregation, predominantly foreign, attends a church of their native priests, local customs must be observed.

The extraordinary minister of solemn Baptism is a deacon, but he is forbidden to use his power without reference to

the local Ordinary or parish priest. Permission is to be given him for a just reason, and indeed he may presume permission in cases of necessity. The case will not ordinarily arise in this country, but it could arise if the parish priest were ill or engaged in hearing confessions or otherwise occupied and Baptism was urgently needed. A cleric not a deacon and lay persons are never allowed to administer solemn Baptism.

SECTION 2. Baptism in Necessity

Private Baptism may be administered by anyone who has sufficient use of reason, Catholic or non-Catholic, baptized or not, validly always, but lawfully in danger of death only. Obviously, care must be taken to employ the proper matter and form and to have the intention, and in cases of lay Baptism two witnesses or one witness at least must, if possible, be present that the Baptism may be proved, if ever called in question. But a certain precedence in baptizing must be observed. Thus, a priest is to be preferred to a deacon, a deacon to a subdeacon, a cleric to a lay person, and a male to a female, unless, in the latter case, for decency sake, or because the female is more competent, she is to be preferred to the male. Even a suspended priest is to be preferred to others not priests, but a lay person is to be preferred to a cleric under censure after sentence. Even when a priest is present, it will always be more becoming for a doctor or midwife to baptize a child before actual birth, if such need arises.

It is not permitted to parents to baptize their child except in danger of death or other extreme necessity when no one else is available. It is certainly preferable that a parent should baptize a child if, by allowing another to do so, the Baptism were likely to be invalidly conferred. There is a grave obligation on the parish priest to warn mothers, midwives and doctors, of the necessity of baptizing not only infants in danger of death but also all prematurely delivered products of conception. The faithful generally and children at school should be taught the very simple process of pouring

a little water on the head of a child and pronouncing the correct form of words for valid Baptism. Oral description is of much less value than demonstration in class of the method by the teacher, and occasional repetition of the method by a member of the class in presence of the others.

Note on Baptism by Heretics

The Baptism administered in the sects of the Disciples of Christ, Presbyterians, Congregationalists, Baptists, Methodists, if the necessary matter and form have been employed, is not to be presumed invalid for want of the minister's requisite intention of doing what the Church does, or what Christ instituted, unless the contrary is proved in a particular case: S.O., Dec. 28, 1949. This decree was issued with special reference to deciding marriage cases.

CHAPTER IV

THE SUBJECT OF BAPTISM (cc.745-754)

SECTION 1. The proper Subject of Baptism

EVERY human being, and a human being alone, who is still in this wayfaring state and unbaptized, is a fit subject for Baptism, but if an adult, only with his or her consent. In this context, an infant is one who has not reached the use of reason, and aments from infancy of whatever age are assimilated to infants. Adults are those who have the use of reason and this is sufficient to justify their asking for Baptism of their own accord and being admitted to it, for every one has a right in spite of all opposition by parents or others to this necessary means of salvation.

2. No human being in the mother's womb may be baptized so long as there is probable hope of administering Baptism after the birth. A child should be baptized at once after birth if in danger of death. The fact that a newly-born child is not breathing is not a sign of death. Only putrefaction, and that in a fairly advanced stage and general, is positive proof of death. But in cases of danger of death, when the child's head alone has been delivered and further progress is arrested, Baptism should be given on the head, and the water should flow on the skin. This Baptism is valid and if the child is subsequently delivered Baptism may not be repeated. If, in cases of malpresentation, a hand, arm or leg is put forth and there is danger of death, the part delivered should be conditionally baptized ; if the child is subsequently delivered alive, Baptism must be repeated conditionally. The situation is not uncommon in cases of *placenta prævia*, where the child's leg is pulled down and presses on the placenta to prevent fatal hæmorrhage of the mother. It is for the doctor to determine the chances of safe delivery, but if the mother die, the child will also probably die before full delivery, and therefore Baptism on the leg must be administered. In cases of inevitable

abortion, where the placenta has become detached from its site, the child will die very speedily, probably before it can be extracted. But if any probability of life is present, it should be baptized. When a pregnant woman dies, an extracted fetus must be baptized absolutely if it is certainly living ; if there is doubt about its life, it must be baptized conditionally. If it cannot be or is not extracted, it is the business of the doctor or nurse to administer Baptism to the child where it is. If, after the death of the mother, Cæsarean section is to be done, the lapse of time to delivery may be so long that the chances for a viable child are small.¹ It should, therefore, be baptized at the earliest possible moment by some of the methods well-known to doctors. Baptism on the outer membrane is probably not valid, since it is part of the mother's organism. The amniotic membrane may be considered part of the child. By section on a living mother, the child is often delivered alive and sound. It is probable that a pregnant mother is not obliged to submit to a Cæsarean section or to pubiotomy that the viable child may be baptized, if the operation would endanger her life—it does not do so in skilled hands and under favourable conditions and if the mother is not weak from loss of blood—or if she has an extraordinary abhorrence of being operated upon. After the death of a pregnant woman, there is certainly a grave obligation to have a viable child delivered by the section or some other method, if there is a probable chance of success. Unfortunately, the operation is not regarded with favour in maternity hospitals, so it has been stated. In a Catholic hospital provision is made, no doubt, for such cases.

3. Every miscarriage (aborted human fetus), if certainly alive, must be baptized absolutely² ; in doubt as to life, it

¹ But there is considerable difference of opinion as to the time after maternal death that elapses before fetal death. Some say the fetus dies at once, others that it survives for hours (15 to 24), and stories are told of a period of two to four days: cf. O'Malley, *Ethics of Medical Homicide*, p. 88, for some curious cases.

² Cappello, *de Sacramentis*, I, n. 165. It is unchristian to destroy all abortions as a useless mass of tissue and to burn them or disregard them. The living human being should be given a chance of heaven.

must be baptized conditionally. These products of conception have lived for several days so that the presumption of life is strong. The approved way of baptizing these abortions is to tear open the membrane with thumb and finger, dip the mass into tepid water whilst pronouncing the form of Baptism, and extract it. In extreme cases the mother engrosses all the attention of doctor and nurse, but provision should be made for the Baptism of a probable fetus when it can be distinguished.

4. Monsters and human terata, however mis-shapen or complex, must be baptized at least conditionally.¹ There is no valid reason for stating that a living substance from the maternal womb is not animated by a rational soul. The Roman Ritual² prescribes conditional Baptism of monsters that are not human in shape, with the form, "If thou art human, I baptize thee," etc. In cases of doubt as to whether the product of conception is one human being or more than one—as when there are two heads, or two chests as well—one must be baptized absolutely, the other or others, conditionally, the condition being expressed, viz., "If thou art not yet baptized," etc. Moles and other fleshy matters are doubtfully human; nevertheless, conditional Baptism of these should be given if there is any probable sign of life. Movement is a sign of life.

SECTION 2. Baptism of abandoned Infants

Infants who have been abandoned by parents and found must be baptized conditionally unless, after diligent inquiry, it is ascertained for certain that they have been baptized. One good witness to the Baptism is sufficient, but a slip of paper tied to the child and testifying to the Baptism would not be sufficient proof by itself.³

¹ A doctor who allows a human monster to die on the plea that it would be an idiot and a burden to society if it was allowed to live, is guilty of a grievous sin against charity and of grave breach of contract, for doctors are not paid to allow a human being to die.

² *Rit. Rom.*, tit. ii, c. 1, n. 22.

³ S.O., Jan. 5, 1724; Coll. P.F., n. 299.

SECTION 3. Baptism of Children of non-Catholics

It is certainly permitted and charity would enjoin, that the child of infidels should be baptized even against the will of the parents, if it is in danger of death or if its death is prudently judged to be likely before it reaches the use of reason. But apart from the danger of death, Baptism may be given only if the parents or guardian or at least one of them consent to the Baptism, or if father, mother, grandfather, grandmother or guardian do not exist or, if existing, have forfeited or cannot exercise their rights over the child. But it is always necessary that there should be a well-founded hope of the Catholic education of such children. It is contrary to the mind of the Church to baptize a child who will not be brought up a Catholic. The plea is mistakenly pressed that Baptism will give it grace, give it a right to heaven and probably lead it to the Catholic Faith.

The same rules, as given above, apply to the children of heretics, schismatics, and Catholics who have become apostates, heretics or schismatics, for these children are seriously exposed to the danger of perversion. In cases where a child of a mixed marriage is brought to be baptized, the priest will ask if the child is going to be educated as a Catholic. If there is grave probability that it will not, he should refuse to baptize it. The pastor will often be doubtful. He must get an assurance that serious efforts will be made to have the child brought up as a Catholic.¹

SECTION 4. Baptism of Converts

Adults, apart from the danger of death, who wish to be received into the Church, may not be baptized except with their knowledge and free consent and only after due and proper instruction ; they must be exhorted to be sorry for their sins. It is sufficient for the priest to form a prudent judgment of their dispositions ; he should be most insistent on the intention of receiving Baptism, since this is necessary for its valid reception. It is probable that sorrow for sins

¹ C.J.C., c. 1061.

based on some supernatural motive, and therefore founded on faith includes the necessary intention of receiving Baptism.¹ But as the opinion is only probable, it may be acted upon only in cases of necessity when nothing more can be elicited. It is difficult to say how much instruction is required. Much will depend on the capacity and age of the catechumen. But it will be in accordance with general custom to instruct the catechumen in all the mysteries of the Faith as contained in the Apostles' Creed, in the method of making acts of Faith, Hope, Charity and Contrition, in the recital of the 'Our Father', 'Hail Mary', Confiteor and Creed, in the Commandments of God and of the Church, and in the Sacraments. In urgent cases, instruction in some of the mysteries, as that of the Holy Eucharist, may be postponed till after Baptism. Missionaries know very well how to deal with pagan catechumens, and here we are concerned only with converts in civilized countries. It is of great consequence that intending converts should be instructed in the principles and applications of Catholic morality, especially in these days when Catholic moral principles are not accepted by very many members of the religious sects. This is particularly true of Catholic principles of honesty in business, restitution, occasions of sin, and Christian chastity, both before and after marriage. Pre-nuptial sin and the perversion of marital rights have been represented as of so little consequence and, indeed, as so inevitable, that an intending convert may find Catholic morality stern and unbending in these as in all other matters; they had better be told the whole content of Catholic teaching at once, lest they complain afterwards that the Catholic ideal is for them impossible.²

SECTION 5. Baptism of dying Adults

1. In danger of death, if an unbaptized non-Catholic is conscious, brief instruction should be given in the mysteries

¹ Cappello, I, n. 155.

² Dispensation for a 'mixed' marriage is not given in some places unless the non-Catholic party has accepted Catholic principles on the evil of birth control.

of God's existence, of His rewards and punishments, of the Blessed Trinity and the Incarnation, and in the chief points of Catholic doctrine, the necessary Sacraments, the divine institution of the Church. But the instruction should be brief, simple, very explicit, and suited to the capacity of the patient, without obscurities, circumlocutions, abstract terminology, much as one would instruct a child. The priest should dispose the person to be of good will, to realize the goodness and mercy of God, to take the opportunity now offered to become a member of the Church of Christ. If the patient then shows any sign of assent and seriously promises, if restored to health, to fulfil the precepts of the Catholic religion, he may be baptized after making a brief act of sorrow for all past sins, renouncing his errors, and expressing a wish for Baptism. If the priest is morally certain of the good dispositions of the patient, Baptism should be given absolutely ; in the event of prudent doubt and if the case is urgent, Baptism should be given conditionally. It is even possible to give Baptism to old people in danger of death who, in pagan countries, have given up the practice of idolatry, though their mental state will not permit of anything but the briefest instruction. They may forget what the priest has said as soon as he has said it, but their disposition may, nevertheless, be sufficient.¹ But it may happen that the dying person is unable to ask for Baptism. If he has previously given evidence or now does so, in some probably valid way, of a desire to be baptized, he is to be baptized conditionally. In case he recovers his health, and if there persists some reasonable doubt as to the validity of the Baptism, he should—if all conditions are fulfilled—be baptized again conditionally.

2. Cases arise, especially in missionary countries, when a dying person has never manifested a desire for Baptism ; it may even be that such a person has positively refused to become a Christian and has given orders that a missionary should not be allowed to come near him in his last moments ; furthermore, he may even have rejected, before loss of

¹ S.O., Dec. 11, 1850 : Coll. P.F., n. 1054, 2.

consciousness, all ministrations of the priest. Nevertheless, since such a person may have changed his mind in the last stage of consciousness, and since indeed there is every hope that he did so, under the universal salvific Will of God, and since the very presence of a priest must be considered to be a manifest act of divine providence, conditional Baptism may and, we believe, should be given to such a one. It must, however, be admitted that Baptism may not be given in such cases if the Christian religion would thereby be contemned and thought magical or superstitious by numbers of pagans present. The wise Missionary will know how to administer the Sacrament secretly without giving scandal. Baptism could not, however, be given to dying children, at least not openly, if it were asked for by parents as a kind of talisman or a superstitious practice to restore the health of the children. If every effort fail to baptize a dying person who is conscious, the priest will induce the patient to make at least an act of perfect love of the Supreme Being, such as he conceives Him to be, according to his own religious tenets.

3. The insane and maniacs should not be baptized unless they have been such from birth or before they attained the use of reason, in which case they are to be baptized as infants. But if those so afflicted have lucid intervals, they are to be baptized if they express a wish during one of those intervals. They may also be baptized when in imminent danger of death if, before they lost their reason, they expressed the desire of being baptized. Those who suffer from a species of sleeping sickness or delirium may be baptized only when they are roused and wish to be baptized ; but in danger of death they may be baptized even when not aroused, if before the attack they expressed a desire to be baptized.

SECTION 6. Baptism and Holy Communion

Both the priest who baptizes and the adult himself, if in sufficient health, should be observing the natural fast, as is done before Holy Communion, and apart from grave and urgent reasons to the contrary the baptized adult should

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assist at Mass and receive Holy Communion immediately after Baptism. No obligation of fasting is expressed, since the canon merely says that it is becoming to observe the fast. The other prescription appears to be obligatory, apart from serious reasons to the contrary, but it is probable that Holy Communion may be received the next day after Baptism or within two or three days, as a complement to Baptism, for if the canons do not prescribe the fast before Baptism, it appears probable that they do not necessarily prescribe Holy Communion on the day of Baptism,¹ and custom may dispense from the obligation, if there is one, of immediate reception of Holy Communion.

¹ Ayrinhac, *Legislation on the Sacraments*, n. 25 ; Verm.-Creus., *Epit.*, II, n. 39.

CHAPTER V

THE RITES AND CEREMONIES OF BAPTISM (cc. 755-761)

SECTION 1. Solemn Baptism

BAPTISM must be administered solemnly, that is, with the full rites and ceremonies, except in a case of danger of death, but the local Ordinary may, for serious and just reasons, allow the ceremonies prescribed for infant Baptism to be used in the Baptism of adults. It would be grievously sinful to omit all or a notable part of the ceremonies or any of the important ceremonies or to change them substantially. The important ceremonies are the anointings with the oil of catechumens and chrism, the breathing used in exorcism, the use of the saliva and the salt, the use of consecrated water, the profession of faith, and probably also the employment of the white cloth and candle.¹

2. It is grievously sinful to use old oils (i.e., oils blessed before the Holy Thursday next preceding) though Baptism is not to be deferred if newly-blessed oils cannot be got. Baptism may be administered for a grave and just reason if the priest cannot get any oils at all. If, during the year, the oil-stock is becoming depleted, it should be replenished with a fresh supply of blessed oils, but if this is impossible, unblessed olive oil may be added, but in less quantity than the blessed oil remaining; the addition may be made as often as necessary. It is forbidden to add unblessed oil immediately on Holy Thursday to the oils that have just been consecrated. Pope Pius XI, writing for Latin America,² allowed holy oils that were old to be used if not older than two years and if not corrupt, and if the new or more recent oils could not be obtained after diligent endeavour.

The oils of catechumens and of the sick and the chrism should be kept in vessels—silver by preference, and not

¹ On grounds of cleanliness or avoidance of disease, the use of saliva may be omitted (S.R.C., Jan. 14, 1944).

² *Litt. Apost.*, Apr. 30, 1929.

glass, or metal that is oxidizable—that can easily be distinguished. A mistake in the use of the proper oils would not invalidate Baptism, but it would render Confirmation and Extreme Unction doubtfully valid. If a mistake in the oils is made in Baptism it should be corrected at once if possible ; if the mistake is detected afterwards, there is no need to rectify it.

3. In the administration of solemn Baptism, water blessed for the purpose must be used. This is the baptismal water of the font, which is blessed on Holy Saturday or on the Vigil of Pentecost. If this blessed water in the font become so diminished as to appear insufficient, unblessed water may be mixed with it, but in less quantity than the baptismal water remaining ; this process may be repeated as often as necessary. If the baptismal water has become foul or has escaped or fails in any way, the parish priest must cleanse the font, pour fresh water into it and bless this water with the proper rite, as prescribed in the liturgical books for the blessing of baptismal water outside Holy Saturday and the Vigil of Pentecost. The full form is to be found in the Roman Ritual, tit. ii, c. 8. This full form must be used unless a special indult is granted for a shorter form. A short form was approved for the United States of America by Pope Pius VIII after the first Council of Baltimore. It did not dispense with the infusion of the holy oils. The infusion was dispensed with in a form approved for Scotland and also for some parts of Ireland before the Synod of Thurles.¹

SECTION 2. Baptism in the proper Rite

Children must be baptized according to the rite of the parents, Latin or Oriental. If the parents belong to different rites, the child is to be baptized according to the father's rite unless some particular law rule otherwise. If one parent only is Catholic, the child must be baptized in the Catholic rite. Even if parents had their child baptized in

¹ O'Kane, *Rubrics of the Roman Ritual*, 1938, p. 179.

a rite not their own, the child would belong to that rite in which it should have been baptized.¹

SECTION 3. Methods of Baptism

Baptism can be conferred validly by infusion, immersion or aspersion, but the canons prescribe that where the first or second method, or one comprising both, is more commonly used, that must be retained in accordance with the approved rituals of the several churches. The Holy Office (Dec., 1898) disapproved of Baptism administered by unction with the thumb dipped in baptismal water, and in 1770, the Missionaries in Africa who used a wet sponge to baptize dying children so as not to attract the attention of parents were told that they should endeavour to see that some water flowed.

SECTION 4. Baptism in Danger of Death

In danger of death private Baptism may be administered. If it is then administered by one who is neither priest nor deacon, the essential rite only is to be employed, that is, ablution by water and recital of the proper form, for these are necessary for the validity of Baptism. But if the Baptism is administered by priest or deacon, he should add after the Baptism if time permits those ceremonies which ordinarily follow Baptism. The obligation to do so is a grave one. Consequently, if a priest is called suddenly to baptize a dying child, he must take with him the sacred chrism, anoint the child with it after Baptism and use the white cloth and lighted candle, as prescribed in the ritual. If these ceremonies have, for any reason, been omitted, they must be supplied in the church as soon as possible, as also those ceremonies which ordinarily precede Baptism. When the latter alone have to be supplied, the former are not repeated.

Outside the danger of death, the local Ordinary may not permit Baptism to be conferred privately, except in the case of adult converted heretics who are baptized conditionally.

¹ P.C.C.J., Oct. 16, 1919.

In England, converts are now, as by special indult they formerly were, baptized privately, i.e., without ceremonies. A child, though not in danger of death, who cannot be taken to the church without some danger, may be baptized at home solemnly, with permission of the local Ordinary.¹

SECTION 5. Conditional Baptism

When Baptism is repeated conditionally, the canons prescribe the following:

1. The ceremonies are to be supplied if they had been omitted in the previous Baptism. This prescription does not, of course, affect the conditional Baptism of an adult convert when the local Ordinary gives permission, as is done in England, for the short form of Baptism to be used. Nor does it apply to the reception into the Church of an adult convert baptized validly in his former religious sect. Custom sanctions the omission of the ceremonies in this case.² In the case of those infant children of non-Catholics who are re-baptized conditionally—that is, if there is a prudent doubt as to the validity of their previous Baptism—conditional Baptism is to be given secretly and all the ceremonies observed.³

2. The ceremonies may or may not be added if they were employed in the previous Baptism.

SECTION 6. The Baptismal Name

Parish priests are to see to it that a Christian name is given in Baptism. This admonition—for it is not a rigorous precept—canonizes what had been the invariable custom of the Church from the fourth century. The giving of a Christian name serves both as an incitement to virtue and for edification. If the pastor cannot induce parents to abandon pagan names, the names of pagan deities, of notorious heresiarchs, and even of flowers, he may accept the name desired by the parents, but should add another name and that a Christian one of his own choice. The child is to be baptized then under both names and both

¹ S.C. de Sacr., July 22, 1925.

² Cappello, I, n. 180, par. 3; Ayrinhac, *op. cit.*, p. 43, c.

³ The Holy Office, Apr. 2, 1879, to the Bishop of Nottingham.

are to be entered in the baptismal register for the sake of future verification. The pastor should not change the baptismal name that has been inscribed in the baptismal register. When Baruffi claims that there is hardly any name which has not been borne by some one of the faithful now amongst the Saints, he is departing from the mind of the Church, for it wishes a name to be given that is the name of some canonized Saint.

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CHAPTER VI

THE GODPARENTS (cc.762-769)

SECTION 1. Necessity of Godparents

No one should receive solemn Baptism without the presence of a godparent, if it is possible to have one. This prescription of the canons is grave. Even in private Baptism there should be a godparent whenever this is easily possible. This obligation is not grave. If no godparent was present in a private Baptism, one should be present when the ceremonies are supplied.

In conditional Baptism, the godparent—if there was one—of the previous Baptism should, if possible, be godparent in the second. Apart from this case, no godparent is necessary in conditional Baptism but one may lawfully be present.

Abuses in respect of the number of godparents were abolished by many local Synods and subsequently by the Council of Trent. Cases are recorded of twenty and even of a hundred sponsors, and of a corporate body, such as a Municipal Council, acting as sponsors. The *Codex* now lays it down that, at most, there may be two sponsors, godfather and godmother; there may be, of course, only one and that one may be of different sex from the godchild.

Spiritual relationship is not contracted by a godparent in a repeated conditional Baptism, nor by the godparent in the previous Baptism; it is contracted, however, if the godparent was the same in both. But the godparent must be qualified for the office for any relationship to arise. The canons, therefore, lay down conditions for the valid and the lawful assumption of the office.

SECTION 2. Valid and Lawful Sponsorship

1. For valid sponsorship, the godparent must be baptized, enjoy the use of reason, have the intention of acting as sponsor, belong to no heretical or schismatic body, be not

excommunicated by condemnatory or declaratory sentence, nor infamous by law, nor excluded from legitimate ecclesiastical acts (c. 2256), nor be a deposed or degraded cleric. Furthermore, the godparent may not be father, mother or consort of the baptized, must have been assigned as godparent by the person to be baptized or that one's parents or guardians, or in default of all of these by the minister of Baptism. Presumed or subsequent approval would be insufficient. Lastly, during Baptism, the godparent must personally or by proxy, physically hold, touch, raise or receive from the sacred font or from the hands of the minister the person baptized. The Blessed Virgin or one of the Saints is sometimes chosen as godparent but only in a symbolic way; the person is merely commended to this special protection.

2. For lawful sponsorship, the godparent must have reached the fourteenth year of age, unless the minister has a good reason for admitting one younger, must not be excommunicated owing to some notorious crime, nor excluded from legitimate ecclesiastical acts, nor be infamous in law even though no sentence would have taken place, nor be publicly under interdict, nor be a public criminal nor infamous in fact. All such notorious circumstances would make it morally impossible for a godparent to be responsible, in case of need, for the Catholic education of a godchild.

Furthermore, the godparent must know the rudiments of the Faith in order that he may teach them, if need arise. The godparent may not be either novice or professed in any Religious Institute unless in urgent cases and then with the express permission of at least the local Superior. The need would arise if no sponsor could otherwise be got; custom, too, may sanction sponsorship by the above, as in the case of the Abbot of Engelberg, who acted as godfather to every firstborn boy in the village.¹ Those in Sacred (major) Orders may not be godparents without the express permission of their own Ordinary.

When the parish priest is in doubt as to admitting a person as a valid or as a lawful godparent, he must consult the

¹ Quoted in Augustine, *Commentary*, IV, p. 82.

Ordinary, if time permit. Subsequently, he can determine whether the sponsorship was valid or not.

The spiritual relationship, which acts as a bar to marriage, arises now only between the baptized on the one hand, and both the minister and sponsor on the other. Few relationships can so evoke paternal affection as the relationship of godparent and godchild, and consequently this union of souls rightly acts as a bar to marriage.

It is the duty of the godparent to have a continual care of his spiritual child, and in all that concerns a Christian upbringing to take diligent care that the child prove all through life to be what the godparent guaranteed on the solemn occasion of Baptism. This duty is grave, but it binds the sponsor only in default of the parents or guardians. In Catholic surroundings it is reasonably presumed that parents will bring up their children as good Catholics.

Spiritual relationship contracted before Pentecost, 1918, and falling outside the limits defined above, ceases to be an impediment to marriage, but does not cease as regards its other effects.¹

When a person acts as sponsor, not in his own name but by the authorization of another, it is necessary that the principal's authorization be lawfully proved, that is, by witnesses, or a legitimate document. Exception is admitted when the authorization is known beyond all doubt to the pastor of the person to be baptized or confirmed. This rule is made that the pastor may be able to find out whether the designated sponsor has the necessary qualifications. The true sponsor must, of course, know that he has undertaken the office and is subject to its legal consequences.²

¹ P.C.C.J., June 3, 1918.

² S.C. de Sacr., Nov. 25, 1925.

CHAPTER VII

THE TIME AND PLACE OF BAPTISM (cc. 770-776)

SECTION 1. The Time

INFANTS should be baptized as soon as possible. Apart from particular diocesan prescriptions, it appears to be the general view—and certainly it is a very common practice—that an infant should be baptized within about a week or ten days after its birth. Many Catholics defer Baptism for a fortnight or a little over. The view that Baptism should be administered within three days after birth is considered too strict. S. Alphonsus, following common opinion, thought that a delay, without reason, beyond ten or eleven days would be a grievous sin.¹ In view of modern custom, which is known and not corrected by local Ordinaries, a delay beyond a month without reason would be a serious sin. If there is no probable danger to the child, parents cannot be convicted of serious sin if they defer Baptism a little beyond three weeks at the outside, but the practice of having an infant baptized within about a week or ten days of birth is to be strongly commended, and indeed an earlier date may be rightly recommended. Parish priests and preachers must remind the faithful of the grave obligation of having their children baptized as soon as possible, consistent with the safety of the child.

In cases of pressing necessity, that is, in danger of probable death, private Baptism is to be conferred at any time and in any place, for the eternal happiness in heaven of an infant may not be imperilled, as it might be, if Baptism were deferred even for a moment.

Solemn Baptism may be administered on any day, but, in accordance with ancient liturgical practice—preserved in the ceremony of the blessing of the font—it is befitting that adult Baptism should be conferred, if conveniently possible, on the vigils of Easter Sunday and Pentecost, especially in metropolitan and cathedral churches. The provision of the

¹ *Theol. Mor.*, lib. 6, n. 118, note 2.

Codex is not a strict obligation, and in modern conditions of life and work in most countries, it would easily be a considerable inconvenience for adults to be baptized on the aforesaid days. Consequently, their Baptism may take place at other more convenient times.

SECTION 2. The Place

The baptistery in a church or public oratory is the proper place for the administration of solemn Baptism. In cold seasons and owing to danger for an infant, some diocesan rituals allow solemn Baptism to be administered in the sacristy or in a room of the presbytery. The prescription of the *Codex* in respect of the baptistery is a grave one.

Every parish church should have a baptismal font ; all statutes, privileges or customs to the contrary are now abrogated, for certain churches or chapels had formerly the right of conferring Baptism to the exclusion of the parish church. This right, where it legitimately existed, may, however, be retained but not to the exclusion of the right of the parish church. Furthermore, for the convenience of the faithful, the local Ordinary may permit or even order a baptismal font to be set up in another church or public oratory within the boundaries of the parish, so that in widely-extended parishes the faithful may not be put to great inconvenience.

Normally, therefore, solemn Baptism is to be administered in the parish church, so that it may not be administered apart from urgent necessity in private houses except in the following cases :

1. The sons and grandsons of actual supreme temporal rulers of a people and their prospective successors may be baptized in private residences at their legitimate request.
2. The local Ordinary may grant exceptions in some extraordinary cases, if he have a just and reasonable ground for doing so and if he conscientiously deem it prudent to allow the exception. Thus, if a child is not in danger of death, but cannot be taken to the church without danger, the Ordinary may give permission for solemn Baptism in the home.¹

¹ S.C. de Sacr., July 22, 1925.

CHAPTER VIII

RECORD AND PROOF OF BAPTISM (cc. 777-779)

THE canons enjoin that the names of the baptized, minister, parents and godparents, place and date of Baptism, are to be entered in the register before the child is carried from the church or the godparents depart. This is strictly the duty of the parish priest ; when curates baptize, it is customary for them to enter the names, but the parish priest should examine the register and countersign it. The obligation imposed on the parish priest is a grave one. As the matter may be one of great importance, it is necessary that all entries should be exact and uniform. Great and unnecessary trouble is given by the omission of a date or a name.

In the case of illegitimate children, the mother's name is to be written in the register, if she is publicly known as the mother or if, of her own accord, in writing or before two witnesses she asks that it should be entered. The name of the infant's father should also be entered if, of his own accord, he asks the parish priest, in writing or before two witnesses, that it should be entered, or if he is known to be the father by some public authentic document. Apart from these cases, the infant's name is to be entered as the child of unknown father or unknown parents. The pastor will, of course, take great care in questioning godparents not to put a mother to shame. He should always take the godparents aside and make all necessary inquiries from them so as not to be overheard by others. Such mothers have not forfeited the good esteem of everyone, and it is sometimes not realized that an offence against charity can be committed, and even a grave offence, by making public a child's bastardy. The Pontifical Commission for the interpretation of the Code (July 14, 1922) declared that the names of the parents of an illegitimate child are to be so inscribed in the register that all occasion of defamation shall be avoided, and that in particular cases recourse must be made to the Sacred

Congregation of the Council. The reply had special reference to children born of adulterous or sacrilegious unions, and other spurious offspring.

When the child to be baptized was born of parents married in the Register Office, the words *coram lege civili* must be inscribed in the baptismal register before the word *conjugum* (Bishops of England and Wales, 1910).

If Baptism has not been given by the child's own parish priest, the minister of Baptism must acquaint the true parish priest of the fact as soon as possible. Though there appears to be no obligation to do so on the same day, the matter should be attended to soon. These proofs of Baptism are required for marriages, so that the matter is one of considerable moment.¹

If no prejudice is involved or done to a third person, for testifying to Baptism one entirely trustworthy witness is sufficient, or the sworn testimony of the baptized person if Baptism was given in adult age, that is, at or after the age of seven years. Prejudice to a third person might arise in cases of legacies, marriages, preferments, office. In such cases, a legal document is required, or the testimony of two reliable witnesses, or of one qualified witness, such as the parish priest (c. 1791). The baptismal testimonial is best written out on a carefully drawn up printed form, and stamped with the parochial seal. If so enjoined, it must be sent through the bishop's secretary. When a parish priest is asked to send a baptismal certificate, it is a point of honour, not to say a duty, to send it at once. Every priest has had painful experience of trouble caused by delay. If custom or the bishop's approval sanctions the taking of a small fee for such certificates supplied, the fee may be asked for ; otherwise it may not (cc. 1507, 463).

Note on the Baptism of Converts ²

Every pastor is faced with the difficulty of deciding in cases of prospective converts whether or not a Protestant has been validly baptized. In recent years there has been

¹ S.C. de Sacr., June 29, 1941.

² cf. S.O., Aug. 1, 1883, ad Episc. Savannen.

more certainty concerning Anglican Baptisms, but formerly Protestant ministers were careless. Their Baptisms by aspersion left much, if not all, to be desired. The pastor is sometimes asked to take the word of the non-Catholic without any other proof. Non-Catholic baptismal certificates cannot be relied upon, for they do not guarantee correct practice. Baptism is, therefore, not to be presumed in the case of non-Catholics who belonged to a sect that repudiates Baptism, or where the Baptism is given to adults, or where parents practised no religion.

Baptism may be presumed, with what misgivings the pastor must himself decide, if the parents belonged to a sect that considers Baptism necessary, and in which children are usually baptized, and if their parents were devoted to their religion, and even if one of the parents fulfilled these conditions and had the chief share in the upbringing of the children, the other parent not being known to be opposed to Baptism. Even this section of the Instruction will leave the pastor a prey to harassing doubts ; he will, therefore, baptize. If both parents were negligent, or belonged to a sect that held Baptism to be not absolutely necessary, recourse must be had to the Holy See in each case, but recourse to the local Ordinary would, we believe, be sufficient.

Where it is not the actual pouring of water that is in doubt, but only the method of conferring Baptism, then :

1. In cases where a sect practises Baptism but without necessarily using the essential matter and form, each individual case must be examined.
2. In the case of sects in which Baptism is validly given, Baptism is not to be repeated.
3. In the case of sects in which Baptism is invalidly given, Baptism must, of course, be given absolutely.

FRATERNITAS SACRAMENTARUM SOCIETATIS

TREATISE XI

CONFIRMATION

CHAPTER I

THE SACRAMENT, ITS EFFECTS, MATTER, AND FORM (cc. 780-781)

CONFIRMATION is a Sacrament of the New Law, whereby the grace of the Holy Spirit is given to the baptized by the anointing with sacred chrism, the imposition of hands and the set form of words, that the recipient may firmly believe and courageously profess the Faith.

The effects of this Sacrament are an increase of sanctifying grace and of the Gifts of the Holy Spirit, the imparting of the seal or character, and the right to actual graces for the fearless profession of faith and victory over temptation.

The remote matter of the Sacrament is chrism blessed by the bishop for the purpose of Confirmation.¹ The proximate matter is the anointing with the said chrism, which is done in accordance with the prescription of the Church by making the sign of the cross with the right thumb on the forehead of the recipient. The first extension of the hands of the minister over those to be confirmed is not essential.

The form prescribed by the Roman Pontifical is : *Signo te signo crucis et confirmo te chrismate salutis, in nomine Patris et Filii et Spiritus Sancti.* For the many controversies as to the essential matter and form of the Sacrament reference may be made to dogmatic treatises. The matter and form set out above are those which are to be used for the lawful administration of the Sacrament in the Latin Church.

¹ The chrism may not be got from heretical or schismatic bishops (S.C. de Sacr., May 20, 1934).

CHAPTER II

THE MINISTER OF CONFIRMATION (cc. 782-785)

SECTION 1. Ordinary and Extraordinary Ministers

THE Ordinary minister of Confirmation is a bishop alone. The extraordinary minister is a priest to whom the power of confirming has been granted by the general law or by special Apostolic indult, or general delegation by the Pope. By general law, this power belongs to Cardinals, who can administer the Sacrament anywhere and to any of the faithful; also to Abbots and Prelates *nullius*, to Vicars and Prefects Apostolic, but these three, only within their respective territories, and during their terms of office. This limitation affects validity. A priest of the Oriental rite may not lawfully confirm infants of the Latin rite. Such confirmation might, however, be valid.

A bishop lawfully confers the Sacrament in his own diocese even to persons not his subjects, unless their Ordinary has forbidden this. To confirm in the diocese of another Ordinary, it is necessary to have at least his reasonably presumed permission, but not so, if a Bishop confirm his own subjects in that diocese, provided he do so privately and without pontificals, for these are the insignia of jurisdiction.

SECTION 2. Duties of the Minister

The local Ordinary must confirm his subjects who legitimately ask for Confirmation. If he is legitimately prevented, he must take means as far as possible, that at least every five years the Sacrament is given to his subjects. If he culpably neglects to do so, his Metropolitan must admonish him, and even report to the Holy See.

SECTION 3. Confirmation by a Priest

A decree on Confirmation by a priest was issued by the Sacred Congregation of the Sacraments (Sept. 14, 1946). Its terms are as follows:

1. If Confirmation cannot be given at all, or not without grave inconvenience, by the local bishop or some other bishop (even titular) in communion with the Holy See, the following priests may administer it to those of the faithful who are in danger of death from illness and likely to die, viz., the parish priest having his own proper territory, the parochial vicar (c. 471) having actual cure of souls, the administrator of a vacant parish (c. 473), priests who have complete cure of souls exclusively and permanently in a fixed territory with a definite church and with the rights and duties of a parish priest (c. 474), and the Missionary of Emigrants, to whom the local Ordinary has communicated the cure of souls in his diocese, for his own subjects.¹

2. The aforesaid may personally give Confirmation only to the faithful residing in their territories, including those not subject to parochial jurisdiction, even members of religious Institutes, however exempt.

3. The principal conditions must be fulfilled under pain of nullity of the Sacrament, penalty of suspension (c. 2365), and deprivation of the faculty if the delegation is exceeded: moreover the canons and the rite of the Roman ritual must be observed.

4. The subject of Confirmation who has the use of reason must be in the state of grace, and instructed in the truths necessary to be known, and must be urged to wish to receive the Sacrament for the strengthening of the soul. If he recover, he must be taught the mysteries of the faith, and the nature and effects of the Sacrament.

5. Record must be made in both baptismal and Confirmation registers of the Confirmation, the names of the confirmed, his parents, god-parent, minister, date and place, and the words added: "Confirmation was given in virtue of Apostolic indult to one in urgent danger of death from sickness."

6. The minister must wear a surplice and stole, or at least a stole if the surplice cannot be got. He must instruct the attendants on the sick that only a bishop is the ordinary

¹ S.C.C., Oct. 7, 1953.

minister of Confirmation, but that the said minister is delegated by the Holy See. He must be careful not to act in presence of heretics or schismatics, still less may he allow them to assist him.

7. The priests enumerated in the decree are:

(i) Parochi proprio territorio gaudentes, exclusis igitur parochis personalibus et familiaribus, nisi et ipsi proprio, licet cumulativo, fruantur territorio.

(ii) Vicarii (c. 471).

(iii) Vicarii oeconomi (c. 472, 1).¹

(iv) Sacerdotes quibus exclusive et stabiliter commissa sit in certo territorio et cum determinata ecclesia plena animarum cura cum omnibus parochorum juribus et officiis.

Note

To all local Ordinaries dependent on the Sacred Congregation of the Propagation of the Faith, an indult is granted to the effect that they can give to all priests subject to them, having the care of souls, the faculty to administer Confirmation to the faithful, whether adults or infants, who are in danger of death, within the missionary district, and also licitly, within the place of residence of the Bishop, but only in the absence of, or when there is a legitimate reason for the absence of, a bishop (S.C.P.F., Dec. 18, 1947).

Latin priests who have the power to confirm the faithful of their own rite can confirm the faithful of Oriental rites under their spiritual care: S.C. de Eccles. Orient., May 1, 1948.

¹ Some few authors think that the curate who, before the bishop appoints a vicar to rule a vacant parish (c. 472, 1), takes charge (c. 472, 2), has the power to confirm. This opinion is not yet tenable.

CHAPTER III

THE SUBJECT OF CONFIRMATION (cc. 786-789)

SECTION 1. Valid and Lawful Confirmation

For valid Confirmation, Baptism is necessary ; for the lawful and fruitful reception of this Sacrament, the subject must be in the state of grace and if of the age of discretion must be sufficiently instructed. In some places, as Spain and South America, Confirmation is given immediately after Baptism. The Sacred Congregation of the Sacraments stated (Feb. 27, 1932) that the custom might be retained. It added that if the Sacrament is deferred until about the seventh year of age, instruction should precede it. But, though it is more suitable that a child should be confirmed before receiving Holy Communion, this consideration should not prevent a child, who has come to the use of reason, from being admitted to Holy Communion. In brief, Confirmation should normally be received before first Holy Communion.¹ An adult must, therefore, know and believe those mysteries of the Faith which are (or may be) necessary to be believed. No intention is mentioned in the canons, for in the case of adults who are instructed, the intention is present, and in cases of those who have lost their reason, a Christian life is sufficient guarantee of the will to receive this Sacrament. For lawful reception, adults will normally have a sufficient knowledge of the Christian doctrine. The canons do not prescribe the amount to be known, leaving the matter to the judgment of the local Ordinary. The state of grace would best be acquired by confession, though there is no strict obligation of previous confession, if the subject, being in mortal sin, elicit an act of contrition.

SECTION 2. Necessity of Confirmation

Confirmation is not necessary for salvation, but if a dying person cannot be absolved nor receive Extreme Unction, a

¹ cf. S.C. de Sacr., June 30, 1932, and *I.E.R.*, Dec., 1932, p. 640.

very unlikely contingency, the Sacrament would then be necessary. It may not, however, be disregarded, if the occasion of receiving it is offered ; indeed, the parish priest is urged to see that the faithful receive the Sacrament at a suitable time. To disregard this precept of the Church would be, at least, a venial sin of sloth or negligence. The canons permit the administration of the Sacrament to dying infants, if baptized, that they may receive the sacramental seal and attain to a higher degree of eternal happiness.¹ This custom prevails in Rome, but in other places bishops cannot easily use this permission. The Sacrament can also be given to children before the use of reason if the bishop considers it expedient for grave reasons such as distance from the church or likelihood of death before the next episcopal visitation. In the Latin Church, the administration of the Sacrament is deferred till the age of seven years.

Those to be confirmed are to be present at the function from the first imposition or extension of the bishop's hands until the end. This prescription does not affect the validity of reception provided they are present at and actually receive the essential anointing by the bishop.

Pastoral Note

In these days, when Catholics must live in countries which are becoming more and more paganized, the pastor should give several careful instructions to those who are about to be confirmed. He should impress upon them the need of the Sacrament, and the wonderful graces it gives. He should add that God requires our co-operation, that those who are confirmed are expected to avoid, as far as possible, the occasions which might prove a peril to the purity of their faith, and that on the anniversary of their Confirmation, they should renew their thanks to God for His gift, and invoke with added fervour the intercession of the Saint whose name they took when they were being confirmed.

¹ S. Th., S., 3, q. 72, a. 8, ad 4.

CHAPTER IV

CEREMONIES, TIME AND PLACE OF CONFIRMATION (cc. 790-792)

SECTION 1. The Ceremonies

THIS Sacrament must be conferred by the imposition of the hand with sacred chrism in the form of a cross on the forehead and the employment of the words prescribed in the pontifical books approved by the Church. Anointing with holy oil alone (oil of the sick or oil of catechumens) is probably insufficient, but if it were necessary to give the Sacrament to a dying person, holy oil alone might be used, if no chrism could be got. The chrism is not invalidated if other aromatics are mingled with the balsam. The chrism is a mixture of olive oil and balsam. It must have been consecrated by the bishop for validity of the Sacrament according to the common opinion, even if a priest administer the Sacrament by virtue of permission granted to him by law or by Apostolic indult. The anointing may not be performed with an instrument, nor may it lawfully be given with chrism blessed before the preceding Maundy Thursday, except in cases of urgency. A gentle blow is given by the Bishop with his right hand on the cheek of the confirmed.

SECTION 2. Time and Place

Confirmation may be administered at any time, but it is most fittingly administered during Whit week. In large cities, the Sacrament is given during episcopal visitation, and in some places on one Sunday each month in the cathedral church.

Though the proper place of administration is the church or the chapel of the episcopal palace, the Sacrament may be administered in any becoming place if the minister thinks it just and reasonable to do so. Thus, it may be conferred by the bishop in a private oratory, or in the chapel of exempt Religious within the diocese, or in a private house.

CHAPTER V

THE SPONSORS (cc. 793-797)

SECTION 1. Necessity of Sponsors

It is in accordance with ancient custom of the Church that a sponsor should be employed in Confirmation if possible. The same sponsor should not present more than one or at most two subjects, unless the minister, for a good reason, judge otherwise. Only one sponsor may be employed for each subject of Confirmation. The obligation of employing a sponsor is a grave one, but Confirmation without a sponsor is valid and when a sponsor cannot be got is lawful. The Holy Office (June 16, 1884) forbade, apart from strict necessity, the practice of one man being sponsor for all the boys to be confirmed (if more than two) and one woman for all the girls. In missionary countries some subjects are confirmed without a sponsor where one cannot be got, and those then stand sponsors for the rest.

SECTION 2. Valid and Lawful Sponsorship

1. For valid sponsorship the following conditions are necessary :

(a) The sponsor must have been confirmed, must have the use of reason and intend to undertake the office.

(b) The sponsor may not be a member of any heretical or schismatic sect nor subject to the penalties already mentioned in the case of the sponsor in Baptism.

(c) The sponsor may not be father, mother, or spouse of the subject to be confirmed.

(d) The sponsor must be designated by the subject or the subject's parents or guardians, or in their default, by the minister or the parish priest.

(e) The sponsor must personally or by proxy physically touch the subject. This is now done by placing the right hand on the right shoulder of the subject. The Roman Pontifical prescribes that the subject should place his right

foot on the right foot of the godparent. This practice has been discontinued. If the confirming bishop wishes to be sponsor, he must appoint a proxy, and not confirm with one hand whilst touching the subject with the other.

2. For lawful sponsorship the following conditions are necessary :

(a) The sponsor must be other than the sponsor in Baptism, unless the minister for a reasonable cause judge otherwise, or unless Confirmation is legitimately conferred at once after Baptism. A sufficient reason for departure from the prescription would be close relationship between sponsor and godchild.

(b) The sponsor must be of the same sex as the subject unless in special cases and for a reasonable cause the minister judge otherwise.

(c) The sponsor must be at least fourteen years of age and fulfil all the other conditions for lawful sponsorship in Baptism, as already set forth.

Spiritual relationship arises from valid Confirmation between the subject and sponsor, whereby the latter is bound to have a perpetual care for the godchild and to see to his Christian education. It is, of course, the duty of parents to educate their children in Christian doctrine, but in their default, the obligation rests on the sponsor. Where children go to Catholic schools, their religious instruction may be reasonably presumed to be sufficient. Where parents send their Catholic child to a non-Catholic school, and completely neglect the child's Christian education, the duty of a sponsor becomes very difficult, if not usually impossible. But a sponsor should make some effort to ensure the Catholic education of the child, if possible. If his or her efforts failed or were doomed to failure, the obligation cannot be fulfilled.

Note on Appointment of Sponsor

If a sponsor wishes to act by proxy, he should appoint the proxy. The custom of leaving the appointment of the proxy to others, renders sponsorship doubtful.¹

¹ S.C. de Sacr., July 29, 1925.

CHAPTER VI

RECORD AND PROOF OF CONFIRMATION

(cc. 798-800)

THE names of minister, confirmed, parents and sponsor, date and place of Confirmation must be entered by the parish priest in a special register and also in the baptismal register. This is a serious obligation and is personal to the parish priest, so that he should have a grave reason for delegating another to fill in the registers.

If the proper parish priest of a subject confirmed was not present at the Confirmation, the minister who confirmed must notify him of the Confirmation as soon as possible.

Where there is no prejudice to the rights or interests of another, the proof of Confirmation may be given by one reliable witness or by the oath of the subject who was confirmed, unless the latter was confirmed in infancy. The register is sufficient evidence, as also the testimony of the parish priest given in pursuance of the duties of his office.

Pastoral Note

The Sacred Congregation of the Discipline of the Sacraments, Nov. 25, 1925, issued an Instruction on the duties of sponsors. It lamented the fact that so little was thought in these days of so important an office. It therefore urged bishops and priests to impress upon the faithful the importance of this office. It added that the Holy See does not approve of the manner of acting of a sponsor who, having accepted the office, does not personally attend at the ceremony, leaving to others the duty of providing a proxy.¹

¹ An English version of the Instruction is given in Woywod, *Canonical Decisions of the Holy See*, p. 59.

APPENDIX

The Age for Confirmation

It is stated in canon 788, that though the administration of the Sacrament of Confirmation is befittingly deferred in the Latin Church till about the seventh year of age, yet it may be conferred before that age if a child is in danger of death, or if, for just and serious reasons, it seems fitting to the minister that it should be conferred. It has been declared that the Sacrament cannot be conferred in the Latin Church before the age of about seven years, except in the cases mentioned in the canon (Pont. Comm., June 16, 1931). A later Reply given by the Sacred Congregation of the Sacraments (June 30, 1932) stated that, though it was a custom in Spain and other places, especially in S. America, to confirm children before the age of reason and even at once after Baptism, the mind of the Church is that, apart from grave and just reasons, Confirmation should be deferred till about the age of seven years ; and where a contrary custom prevails, the faithful should be taught the law of the Latin Church in regard to the Sacrament being conferred after due catechetical instruction. But to prevent misunderstanding, the Sacred Congregation stated that it was truly opportune and even more conformable to the nature and effects of the Sacrament of Confirmation, that children should not receive their first Holy Communion until they had been confirmed. The Sacred Congregation did not, however, wish to debar from Holy Communion those children who have reached the age of discretion, though they had had no opportunity of being confirmed previously. The Congregation, therefore, admitted the immemorial custom in Spain, but wished the faithful to be taught the common law. Furthermore, the reason why the Congregation allowed Holy Communion to be received by those who had had no opportunity of being previously confirmed was that Holy Communion must be received under grave obligation when a child has reached the age of reason.

TREATISE XII

THE HOLY EUCHARIST

CHAPTER I

THE SACRIFICE OF THE MASS (c. 801)

SECTION 1. The Essence of the Sacrifice

1. Sacrifice and Memorial

IN the Holy Eucharist, Christ our Lord is contained, offered, and received in Holy Communion under the species of bread and wine.

It is a dogma of Catholic Faith, defined by the Council of Trent, that in the Mass a true and proper sacrifice is offered to God.¹ This Sacrifice is both a sacrifice, properly so-called, and a representation and memorial of the Sacrifice of the Cross (1 Cor. 11, 26). The Church has not defined wherein precisely the essence of the Sacrifice is found. Divines have sought it in the oblation of the bread and wine, in the elevation of the consecrated species, in the breaking of the Host, in the commingling of the sacred species, in the consecration alone of both species, inasmuch as by the change of bread and wine into the Sacred Body and Precious Blood of Christ, He is reduced to a lower state of Presence in which He cannot, connaturally, use His human faculties. The essence of the Holy Sacrifice is also sought in the destruction of the bread and wine and the production of Christ's living Body and Blood, in the mystical slaying of the Victim, in that the Body is rendered present under the species of bread, and the Precious Blood under the species of wine, though by concomitance Body and Blood are necessarily present together as Christ is living, but not (*vi verborum*) by the power of the words of Consecration, whose effect would be to place on the altar the Sacred Body separately and the Precious Blood separately, and this mystical separation is the mystical immolation.

¹ Conc. Trid., s. 22, c. 1.

Again, the Mass is held to be a true sacrifice in so far as, by means of a symbolic immolation, it is a true and actual oblation of a true Victim, perennial and celestial; for the consecration of the bread and the wine is a mystical immolation, representative of and a memorial of the Sacrifice of the Cross, whereby that same Victim, which was immolated in a bloody manner on the Cross, is presented and offered to God anew, persevering for ever as the Victim already accepted of God. In this last view, in the Mass there is an actual oblation by the Church of a Victim once immolated, and therein lies the essence of the Sacrifice.

Lastly, the Mass is held to be a Sacrifice, because it contains Christ's oblation of Himself, and the oblation of Christ by the Church.

2. Double Consecration

The canons (c. 817) forbid, even in cases of extreme necessity, the consecration of bread alone or of wine alone, and the consecration of either or both outside Mass. The Church makes no pronouncement on the validity or invalidity of a single Consecration in cases where a priest deliberately intended not to consecrate the twofold matter, bread and wine. Where a priest intends to celebrate Mass in the proper liturgical form, the first consecration is certainly complete and valid before the second, and the second is certainly complete and valid independently of the first. But it is held by some divines as highly probable that a deliberate intention of consecrating one species only would have no effect, since such intention is contrary to the intention of doing what the Church does. The Church intends to offer the complete representative Sacrifice, which can only be done by the twofold Consecration. This view pays no regard to the consecration of both species outside Mass, which would be grievously sinful though probably valid. The valid consecration of one species alone, done inadvertently, owing to some substantial defect in the other species, is, by some, held to be a true Sacrifice, and would, therefore, in their view, satisfy obligations arising from

acceptance of Mass stipends. But the Roman Congregation, without passing any judgment on the question, has recommended that the Mass should be said again, or a condonation sought from the Holy See. The common opinion of divines is that the twofold Consecration is essential for the true Eucharistic Sacrifice, and the contrary opinion is speculatively highly improbable, and should not be acted upon.

Since the Sacrifice is completed in Mass when both species have been consecrated, it appears to nearly all modern divines that the attempt to consecrate hosts after the consecration of the wine, if in the opinion of the celebrant they were only doubtfully consecrated because they remained off the corporal, is quite unlawful. The ground on which such an attempt is condemned is that it is an attempt to begin afresh a new Sacrifice, and to leave it incomplete. Permission has never been given, even in extreme cases, and they must have arisen, for a priest to consecrate twice in the same Mass. The case would arise where the celebrant intended to consecrate a ciborium for distribution during Mass, but having forgotten to place it on the corporal, remains in doubt—whether reasonably or not is beside the present question—as to its valid consecration. The case is very practical, and if the second consecration referred to were valid and lawful, many difficulties would be solved. But as there are very few authors who admit the lawfulness of such a consecration, we believe that their view may not be adopted. It was said by Noldin in an early edition of his work that such a consecration would be the beginning of a new Sacrifice. In later editions, he expressed the contrary. He would, of course, maintain that there is a moral unity between the consecration of the doubtfully consecrated hosts and that of the previous consecration, and this being so, a new Sacrifice, he would allege, is not even begun.¹ Such doubtfully consecrated hosts must be

¹ cf. for the view in favour of consecrating, Noldin-Schmitt, III, n. 118; *Nouv. Rev. Théol.*, June, 1924, p. 381; *L'Ami du Clergé*, 1913, p. 382. All other authors, we believe, condemn the view; cf. Verm., *Periodica*, 1927, (13). Lehm., *casus*, II, p. 175; Ubach, II, n. 515.

consecrated conditionally in another Mass, having been meanwhile placed in the tabernacle, or they may be consumed before the first ablution. S. Alphonsus definitely thought that such hosts should be consumed between the first and second ablutions, since the drops of the Precious Blood in the chalice remain the Precious Blood, although wine is poured into the chalice, and a priest may not even probably violate the Eucharistic fast by consuming hosts that are perhaps unconsecrated.¹ The opinion depends on the view that is held concerning the permanence of the Sacred Presence when fresh wine of the same quality is added in a relatively large amount to a few drops of the sacred species. S. Thomas thought that the consecrated drops cease to be numerically the same as before, and therefore that their consecration vanishes.² Others deny this reasoning. Priests are to act in a human way, and are not to be expected to be guided by obscure physical theories. The common practice is certainly to consume doubtfully consecrated particles before the first ablution. The Church approves of the practice by her silence.³

3. Parts of the Sacrifice

There are three parts of the Mass as a Sacrifice ; the Oblation, whereby the bread and wine are offered, being segregated from profane use ; the Consecration itself ; the Communion of the Priest. None of these parts may in any wise be omitted without grave sin, though the omission of the Oblation and the Communion would not affect the actual Sacrifice itself. So important, however, is the Oblation, that if hosts are brought for consecration after the Oblation in the Mass and before the Consecration, they too must be offered, at least mentally, and thus united with the matter already offered. So important, too, is the Communion, that if the celebrant after Consecration should be unable to continue the Mass, the consecrated matter must, under grave sin, be received in Holy Communion

¹ *Theol. Mor.*, lib. 6, n. 217.

² S. Th., S., 3, q. 77, a. 8, c.

³ cf. Ubach, II, n. 515, note 2, for a dissertation on the subject.

by another priest, even though he should have to receive non-fasting, in the impossibility of finding another priest to do so who has not broken the Eucharistic fast.

Furthermore, the celebrant must partake of his own sacrifice, and must consume the host and the wine which he consecrated. He must receive Communion before others, so that it is not permitted, without real necessity, to give Holy Communion to the faithful immediately after the Consecration in Mass, by using the Sacred Hosts consecrated at that Mass.¹

4. Permanence of the Divine Presence

The Holy Eucharist is both a Sacrifice and a Sacrament. It is not a Sacrament only when bread and wine are consecrated, or when it is received, but it is a Sacrament as long as the Divine Presence persists under the species. That Presence remains as long as the transubstantiated bread and wine would have remained under their proper species, that is, with their proper qualities. The Presence ceases when the substance of the bread and wine would have naturally ceased to exist as bread and wine. At that moment, it is natural that another substance, though not the original substance of the bread and wine, should exist under the corrupted species, as it is natural that a man, hitherto blind, but miraculously cured, should see.² Therefore, until the species are completely changed, the Divine Presence persists, and cannot be affected, even if the Sacred Hosts are cast into filth, or devoured by animals, or broken in the mouth, as John de Latone erroneously thought would be the case, an opinion condemned by Pope Gregory XI. In this, as in all the Sacraments, there is an external sign; this Sacrament signifies spiritual food, and when the external appearance of bodily food, namely, the appearance of bread and wine, can serve no longer for a sign and symbol, the Sacrament ceases to exist.

When Holy Communion is received, the Divine Presence remains a shorter or a longer time, in accordance with many

¹ D.A., 3448.

² S. Th., S., 3, q. 77, a. 4, ad 3 : a. 5, ad 2 et 3.

accidental circumstances, such as the quantity of the sacred species consumed, and the physical disposition of the recipient. In the view of some physicians, the species is not corrupted within less than half an hour ; in the case of the sick, the time may extend to two hours. In a case submitted to the Holy Office (1890), a priest was said to have discerned the species two hours after Mass. A very common opinion is that the sacred species is corrupted in the case of those who are in good health in about a quarter of an hour. This opinion probably errs in not assigning a longer time. It is certainly stated as very probable doctrine that an external sin against chastity would be a sacrilege, that is, a grievous sin against religion, if committed within about an hour in the case of a priest who had just celebrated Mass, and within about half an hour in the case of one who had received a small Host in Holy Communion.

The missal (*de defect.* x, 14) prescribes that the sacred species is to be reverently treated as long as It has the appearance of the species of bread. Thus if a priest, after receiving the Host, rejects It, he is told to consume It reverently, but if he fears nausea, he must separate It, place It in a vessel with water, put It aside in a decent place with lamp burning before It, and when It is entirely corrupted, pour the contents of the vessel down the sacrarium. Care must be taken that the species is entirely corrupted. It has been noticed in some cases that the species does not easily corrupt, and may remain the visible species for months. We believe that no chemical should be added to render corruption more speedy, but the Host may be put into hot water. In those cases where a sick person, shortly after receiving Holy Communion, rejects It, if the species is not visible, the vomit must be collected with a cloth, the whole material burned, and the ashes put down the sacrarium.

SECTION 2. The Offerers of the Sacrifice of the Mass

There is a clear distinction between sacrificing and offering a sacrifice. In the Mass, Christ Himself is the Chief Priest and Minister of this Sacrifice, since He daily sacrifices in an

unbloody manner, through the ministry of His Priests, who are His delegates for this purpose. The Priest is the secondary but also a true minister, for he consecrates and truly sacrifices in the Person and as vice-gerent of Christ. He is, therefore, not merely an instrument to carry out the Will of Christ, as a servant executes the will of his master, but he intends to sacrifice and truly sacrifices, because he has the power to do so, being the successor of the Apostles, to whom Christ said : " Do this in memory of Me." In the third place, the Church offers this Sacrifice through the agency of its priests, for it deposes them to do so in the ordination to the priesthood. They are its ministers and deputies. The faithful members of the Church also offer each Mass, a fact which is expressed frequently in the rite itself, as when the priest invites the faithful present to pray that their common sacrifice may find favour with God the Father Omnipotent.

Furthermore, those who in any way unite themselves externally with the offering of Mass, in a more special way than the faithful in general, do truly offer Mass. Thus, those truly and specially offer the Sacrifice, who ask for a Mass to be said, or who make it possible to be said, or who offer an alms to a priest for a Mass, or who bequeath alms for Masses, or who supply what is needful for Mass, as bread, wine, vestments, altar furniture, and also those who serve Mass, and those who assist at Mass.

Doubtless, those who make it possible for Masses to be said, and those who actually serve Mass, co-operate much more intimately in the offering of the Sacrifice, than those who merely assist externally. But since the devout mind and affective union with Christ have a greater share in the fruits of the Mass, it is possible for the poor, who can never have a Mass offered, to derive very great fruit from the Masses at which they assist.

If we regard those who sacrifice, it is obvious that the Sacrifice as offered by Christ Himself is always infinitely pleasing to God. The Sacrifice as offered by the Church must also be pleasing to God always, and must produce effects independently of the dispositions of the priest. As

offered by the priest, the Sacrifice is the more pleasing to God and produces greater effects in proportion to the greater devotion, holiness and attention of the priest. Consequently, the Mass of an unworthy priest produces the same substantial effects, *ex opere operato*, as that of a holy priest ; it also produces the same effects in so far as it is offered in the name of the whole Church, but these effects are due to the holiness of the Church (*ex opere operantis*) ; but if we regard the Mass as productive of effects due to the worthiness of the priest (*ex opere operantis*), those effects are greater in proportion to the devotion of the priest, so that, in this sense, the Mass of a devout priest is better than that of a less devout priest, and the same is true relatively of those who serve, and of those who assist.

SECTION 3. The Efficacy of the Sacrifice of the Mass

The actual efficacy of the Mass can be considered under different aspects.

1. The Cause of Specific Effects

In so far as we regard it as the cause of specific effects, the Mass operates in the following ways :

1. It is the cause of infinite praise and worship of God, an infinitely worthy act of religion, since Christ, God-man, is He Who offers this act of praise and worship.
2. It is the cause of infinite thanksgiving to God for all His benefits to man, inasmuch as Christ, God-man, is the chief Priest.
3. It is in the nature of a prayer and impetratory, and thus wins from God the grace of conversion, through repentance and reconciliation, victory over temptations, progress in holiness, the protection of Divine Providence in all necessities of soul and body, temporal benefits, in so far as these conduce, in accordance with the disposition of God's Will, to man's eternal happiness. Thus, the peace which we pray for in times of war or civil disturbance may well be an immense help to salvation, since in times of strife, man's

passions are let loose, and the practice of religion is abandoned.

4. It is also the cause of propitiating the divine anger against sinners, thus blotting out sins, mortal and venial, averting those calamities of disaster, pestilence, earthquake, famine, which God would else send upon the world, as also those worse calamities of the spirit, as when God would allow nations to fall away from the Faith but for the Church's supplication, so beautifully expressed in the prayers of Good Friday, and so constantly throughout the sacred Liturgy. Under this aspect of propitiation, God is appeased by the Sacrifice of the Mass, and having set aside His righteous anger, bestows graces which He would not otherwise have bestowed. This efficacy of propitiation is an indirect means of salvation, by being a means of directly appeasing God; the efficacy of impetration is a direct means of salvation, by directly winning necessary graces. In each case, the Sacrifice of the Mass does not directly remit sin, but only indirectly, inasmuch as it wins grace from God for man to elicit those acts of the will which dispose the soul to obtain remission of sin.

5. The Sacrifice of the Mass is also an act of satisfaction, and remits the temporal punishment due to forgiven sin, which is an effect both for the living and for the Souls in Purgatory.

Thus, the Sacrifice of the Mass, remits these penalties for sin, immediately and of its own nature, and by its institution, inasmuch as through this Sacrifice, the infinite satisfaction of Christ is offered to God and extinguishes, by application and appropriation, the debt of punishment (*reatus pænæ*) wholly, or in part, according to the measure of the Divine Will.

In order that this effect may be obtained, it is obvious that the state of grace is necessary, since the punishment due to forgiven actual sin is not remitted whilst the guilt (*reatus culpæ*) persists. It is likewise very probable that the state of grace being present, more copious remission of punishment is obtained relatively to the more perfect dispositions of him for whom the Mass is specially offered.

2. Its Essential Efficacy

In so far as the efficacy of the Mass is due to the purpose for which Christ instituted it, its fruits are due to the Sacrifice as such (*ex opere operato*) without reference to the Church or the priest, for it is obvious that the Mass effects exactly what it was designed by Christ to effect. This efficacy is, therefore, different from any efficacy it may have in consequence of the worth and merits of the Church or the priest who offers the Sacrifice, but it is still true that the efficacy of the Mass is greater in proportion to the holiness of the priest who offers it.

3. Its Relative Efficacy

In so far as the efficacy is due to the person who offers the Sacrifice, that result depends on the offerer.

1. If it is regarded as the action of Christ, it applies the merits of Christ, and in so doing, it is the most efficacious means of appeasing the divine anger against the sins of men, and it moves God—speaking in human language—to bestow graces and benefits.

2. If it is regarded as due to the person of the priest and people who sacrifice or offer the Sacrifice, it is similar to any other good work, namely, it strictly and infallibly merits an increase of grace and glory, satisfaction for sins, impetration for benefits, if it is offered in the state of grace. If it is offered by those in mortal sin, it is meritorious and impetratory to the extent that a sinner's prayers are such, that is, not in strict justice, but in equity (*de congruo*), and not infallibly.

3. If it is regarded as an act of the Church, its efficacy is impetratory in the highest degree, and that, independently of the holiness of the minister, though dependently on the holiness of the Church itself. This efficacy is infallible, since God infallibly hears the prayer of His Church, though the effect, in fact, may not be infallible when the Church offers a Mass for a particular individual.

4. Its Actual Efficacy

In so far as the fruit of the Mass or its efficacy is realized in fact that fruit is manifold :

1. If regarded as an act of praise and worship, it is, and must always be, of infinite worth, since Christ Himself offers that act of worship.

2. If regarded as an act of thanksgiving, it must also be of infinite worth, since Christ offers that act of thanksgiving.

3. If regarded under the aspect of impetration, its fruit or efficacy is indefinitely inexhaustible, and therefore this efficacy is as great when Mass is offered for many as it is when offered for one only, since there is no reason so far as the Mass is concerned why this should not be so, nor is there any practice of the Church to suggest the contrary.

4. If regarded under the aspect of propitiation, it moves God to set aside His just anger against sinners, to give them efficacious graces of repentance, to keep from man physical and spiritual calamities, as already explained.

5. If regarded under the aspect of satisfaction or payment for punishment due to forgiven sins, it is the common opinion of divines that the satisfactory efficacy or fruit is not indefinitely inexhaustible, and therefore that the fruit actually derived from Mass specially offered for several persons is not so great as if it were offered for one person alone.¹ The reasons for the common view are as follows :

(a) The Church offers Mass for individual Souls in Purgatory, it offers many for the same Soul, it approves of the practice of priests offering Mass for an individual person, or for a particular intention, to the exclusion of others. If, then, the satisfactory fruit of the Mass were inexhaustible in fact, this practice would be unreasonable, useless and unkind to others, living or dead.

(b) It is contrary to justice for a priest to offer one Mass only when he has accepted Mass stipends for the offering of several Masses.²

¹ S. Alphonsus held the contrary at one time as more probable, but in his later works defended the common opinion (S. Alph., lib. 6, n. 312, note f).

² Pope Alex. VII, pr. d. 10.

(c) The plenary indulgence of a Privileged Altar is to be applied to one particular Soul in Purgatory, not to all the living and the dead.

(d) The Sacraments—as the Eucharist and Penance—are received frequently. This fact clearly suggests that the fruits of a given reception are finite. It is reasonable to think that the satisfactory fruit of the Mass is also finite as applied. This consideration must not, however, lead one to think that the fruit derived from a Mass by one or more persons cannot be greater in proportion to the better dispositions of the recipients. It is not in that sense that the satisfaction of a Mass is thought to be finite and limited.

Note on the Second Intention

A priest may apply a second intention, as it is called, or even a third or a fourth intention to others as well as the first intention to those for whom he is bound, in justice or obedience, to offer a Mass. If the view that the fruits of the Mass are indefinitely inexhaustible is correct, the second, third and fourth intentions are as efficacious as the first. But since the contrary view is common, namely, that the satisfactory fruits of a Mass are finite in the sense explained, a second intention must have another sense. A second intention, therefore, is commonly a conditional one, in respect of the satisfactory fruits, that is to say, Mass is offered by a second intention, conditionally on the presumption that there is something to offer. In respect of the impetratory fruit, however, a second intention can be absolute, since this fruit is inexhaustible. The Church certainly prays for all the faithful, living and dead, in every Mass, and this *lex orandi* is a *lex credendi*. We may therefore rightly suppose that there is some fruit, at least of impetration, which can be applied by any number of secondary intentions.

At the same time, a priest is forbidden to receive a stipend for a Mass, or apply it for the donor, if the Mass is already due on some other title, and is applied to some other purpose (c. 825, 2). Such an obligation of justice, therefore, whether it arise from an offering accepted, or from the pastor's cure

of souls, or from a benefice, or an implied contract, precludes the priest from applying a Mass so due to any other obligation of justice. A promise given and accepted may be, but is not usually, an obligation of justice. The precept of a Superior may not be a precept in the matter of justice. In these two cases of simple promise and precept, it is doubtful whether or not the satisfactory fruit of a Mass may be the object of more than the first intention. No doubt, a secondary conditional intention may be made. But where the fruits of Mass are certainly divisible, as are the fruits of satisfaction and thanksgiving, the priest may apply these fruits to different purposes, provided he do not intend to prejudice the will of the donor of a stipend, or that of the Superior.

Therefore, in Masses that are gratuitously promised, a priest may certainly apply the different fruits to different intentions. In Masses that are strictly due on the grounds of obedience or fidelity, he may apply to other intentions those fruits that are not directly referable to the purposes that are obligatory ; thus, when ordered to offer Mass in thanksgiving, he may apply the satisfactory fruit to the Souls in Purgatory.

In Masses that are strictly to be applied in consequence of a stipend received, the division of the fruits is not permitted—though it might be valid—since the whole of the fruit of the Mass must be applied to the donor, and that, even if the donor asked for a Mass in thanksgiving. But if, in the latter case, the donor expressly permitted the division to be made, it could licitly be made, but a second stipend for any application of the same Mass could not lawfully be accepted.

CHAPTER II

THE FRUITS OF THE MASS (c. 809)

SECTION 1. The Subjects of the Fruits of the Mass

IF we consider the fruit of the Mass in relation to those whom it benefits, the fruit is general, special, personal, and ministerial.

1. The general or universal fruit necessarily results from every Mass, inasmuch as the priest offers it in the name of Christ and of the Church, and it benefits all the faithful, living and dead, provided no obstacle is put in the way of receiving those benefits. The living alone can put obstacles in the way, namely, the state of enmity to God, and affection for sin. Mortal sin is an obstacle to participation in the satisfactory fruit of the Mass. When such sin is subsequently forgiven, there is no reviviscence of the satisfaction. Unforgiven venial sins also prevent a share in the satisfactory fruit so far as those sins are concerned. No application of this fruit by the priest is necessary, for the application is due to the Will of Christ, and the corporate will of the Church. The fruit received is certainly impetratory, and probably propitiatory for all the faithful; whether or not it is satisfactory for the living is doubtful; it is certain that it is satisfactory for the dead, in the measure, however, defined by the Divine Will.

2. A special fruit of the Mass is given to those who co-operate in the Sacrifice, and this is independent of the priest's intention, and this fruit can probably be applied or transferred to others.

3. The personal fruit of a Mass is derived from it by the priest alone, by the very fact that he offers the Sacrifice, and most probably he cannot transfer that fruit to others. The fruit, however, depends upon the priest's dispositions as a condition.

4. The ministerial fruit is that which is applied to a particular person, or for a particular purpose, expressly

determined by the priest. This determination is necessary, so that if none be made, the fruit either passes on to the priest and assistants themselves, or into the treasury of the Church. The treasury of the Church is the accumulated merits and satisfaction of Christ our Lord, of His Blessed Mother, of all the Saints, and of the just. The treasury is inexhaustible, and is the source of all indulgences granted by the Church. In cases where Mass is said for a Soul whom it cannot benefit, it is very probable that the fruit of the Mass goes to the treasury of the Church.

SECTION 2. The Fruits of the Mass as applied

1. The impetratory efficacy of Mass infallibly obtains blessings and graces in general, though, like all prayer, it may not obtain the special favour asked for, since the subject may not be disposed, nor the favour asked for profitable to salvation. If, therefore, the Mass is offered for a special favour, this condition should be added, viz., unless it is God's Will that some other favour be granted.

2. The propitiatory efficacy of the Mass infallibly obtains actual graces for the sinner for whom the Mass is offered,¹ but his actual conversion from sin may not ensue, since in this, as in other cases of grace offered, the grace may not be efficacious, because not accepted by the sinner.

3. The satisfactory fruits of the Mass certainly produce their effect infallibly, provided the necessary conditions are present in the subject for whom the Mass is offered. But the measure of satisfaction depends on God's Good Will also. Since the Council of Trent states that the Souls in Purgatory are most of all helped by the acceptable Sacrifice of the Altar, we must say that they are infallibly helped, though the entire debt of their punishment may not be remitted. The measure depends on the Good Will of God, and the determination of Christ our Lord when He instituted the Sacrifice. If, then, the Sacrifice benefits the Souls in Purgatory, there is no reason why we should not hold that it also infallibly benefits the living, provided no obstacle is present.

¹ Conc. Trid., s. 22, ch. 2.

SECTION 3. Persons for whom Mass may be said

1. The canons state generally (c. 809) that Mass may be said for the living and for the Souls in Purgatory, but (c. 2262) that if offered for an excommunicate, it must be said in private and without giving scandal; but if the excommunicate is technically *vitandus*, it may be said for his conversion only. The canons define the term *vitandus*, viz., as an excommunicate who, by ecclesiastical censure, is excluded from communication with the faithful, and who has been excommunicated by the Holy See, and whose excommunication is publicly proclaimed; who, moreover, by virtue of decree or judgment, must be avoided by the faithful. But no decree or judgment is necessary in the case of one who lays violent hands on the person of the Roman Pontiff (c. 2343, 1). Such a one is *ipso facto vitandus*.

Private celebration of Mass is distinguished from public and solemn celebration, and always excludes all external pomp or solemnity. It is stated that as the canons here deal with the *forum externum*, there is no question of merely internal and secret application of Mass.¹ Some authors think that private celebration refers only to the priest's private and special application. Ayrinhac thinks that 'private' does not mean 'internal,' but that to remain private, the application of the Mass should not be announced publicly, nor should the Mass be celebrated with special solemnity. Other authors hold that the special prayer *pro hoc defuncto* should not be used in the Mass, for thus it would become public, since the priest would then be acting in the name of the Church. We doubt the force of this argument.

2. It is obvious that Mass cannot be said for the Blessed in heaven nor for the damned, nor for those in Limbo. It has been asserted that some divines held that the Sacrifice of the Mass could benefit the damned in some indefinable ways, the least of which was that they might be comforted to think that the living still remembered them. The opinion, however, if ever maintained, is without any foundation. The Sacrifice may be offered as an act of worship in honour

¹ Cappello, I, n. 620.

and in the name of the Blessed, as an act of thanksgiving for the divine favours granted to them, as an act of impetration to God that we may receive divine favours through their intercession and merits, and that they may be glorified by men.

3. Mass may be said for those who have died apparently as martyrs, so long as the Apostolic See has not pronounced on the fact of their martyrdom. Such was the opinion of Pope Benedict XIV, commenting on the words of Pope Innocent III : " He that prays for a martyr, does injustice to the martyr."

4. Mass cannot be said for those declared Venerable Servants of God, nor for the Beati, since the Church's expressed judgment on their sanctity, though not absolutely irrevocable and definitive, appears to endorse their beatitude.

Mass cannot be said for the souls of baptized infants who have died before reaching the use of reason. It may, however, be said in their name, just as it may be said in the name of the Blessed, as already explained.

5. In regard to the application of the Mass to living heretics and schismatics, it is now held that in view of the present mind of the Church (c. 2262) Mass may be offered for their intentions and for their benefit, and a stipend may be accepted, if scandal be not given. Mass may also be offered for pagans and for their good intentions, and stipends accepted, if scandal be not given, and if there is nothing evil, erroneous, or superstitious on the part of the pagans in their requests. As in the case of the excommunicate, these Masses must be said privately, but public and solemn Masses may be said for pagan rulers, actually ruling, on the ground that the Masses are said for supreme civil authority and for the good of the State.

6. Mass cannot be said publicly for a pagan who has died without having given any positive sign of conversion or contrition ; if some such sign was given, it could be said privately, and conditionally on the pagan having died in the state of grace.

If a heretic or schismatic died after having given signs of repentance, Mass may be offered publicly for him ; if he

gave no sign of repentance, Mass may be offered privately, if no scandal be given. Consequently, a priest may accept stipends and say Masses for a non-Catholic who died firmly adhering to his or her sect, provided there is no scandal and the Mass is said privately. Scandal could be precluded by explaining the true doctrine on the matter.¹ In cases of heretics, schismatics or pagans, who have died without any sign of repentance or conversion, Mass cannot be announced for them on the ground of scandal and indifferentism. But a private Requiem Mass with proper prayers may probably be said, though the proper prayer is usually not added.²

7. For living excommunicates who have not been declared *vitandi* Mass may be said privately without scandal, and for any good purpose, spiritual or temporal, that may benefit them, and for any good intention or purpose which they may have requested. For excommunicates who died with some evidence of repentance, Mass may be offered publicly. If they gave no evidence of repentance, Mass may be offered for them even publicly, provided they were not excommunicated by express judgment; and even for those who were excommunicated by express judgment Mass may be offered, if offered privately and without scandal.

8. If a public and notorious sinner die without having given any sign of repentance, since ecclesiastical burial may not be given in such cases, Mass may not be publicly offered for him, though private Mass may be offered. The words of the canons (c. 1240) must be taken in their strictest sense, and therefore one whose private sinful life was not publicly known may be granted ecclesiastical burial and the suffrages of the Church. This statement, too, must be understood in accordance with the canons, for there are certain classes of persons who are excluded from Christian burial, as suicides, duellists, cremationists. In general, when Christian burial is denied, Mass may not be publicly offered; where Christian burial is not denied, Mass may be publicly offered. Scandal must, however, always be avoided.

¹ cf. *Periodica*, Apr., 1931.

² Cappello, I, n. 619 *sub fin.*

CHAPTER III

THE CELEBRATION OF THE SACRIFICE OF THE MASS (cc. 802-813)

SECTION 1. The Minister of the Sacrifice

1. Power of Sacrifice

PRIESTS alone have the power to offer the Sacrifice of the Mass. The term is here used in the strict sense of sacrificing. The power to sacrifice was given by Christ to His Church. It chooses and ordains priests to exercise that specific function. That priests alone can perform the sacrificial rite is proved by the words of Christ to His Apostles : " Do this as a memorial of Me," and is defined as matter of Catholic Faith by the Councils of Lateran IV, Florence and Trent. The general body of the faithful, although possessed of a kingly priesthood (1 Pet. 2, 9) never attempted to sacrifice, nor were they ever intended to do so.

2. Concelebration

Concelebration by several priests is now forbidden. This rite had existed for about thirteen centuries in both the Eastern and the Western Churches, but disappeared from the Roman liturgy except in the Mass of ordination of priests and consecration of bishops. In the ordination Mass, the ordaining bishop, when celebrating the Mass, and the newly-ordained priests, together consecrate the bread and wine, and together perform the sacrificial act. For this simultaneous act, it is necessary and sufficient that the essential words of consecration should be pronounced at the same moment. Any slight variation will not destroy a moral unity ; or it might be held that bishop and priests agree to consecrate by their united ministry, so that their separate words constitute only one sacramental sign.¹ In both explanations, a newly-ordained priest may accept a stipend for his Mass of ordination. This is a sound and safe

¹ Verm., III, n. 287 ; De la Taille, *Mysterium Fidei*, p. 354.

opinion, though a few divines think that this procedure would not be lawful unless the donor of the stipend consented.¹

3. Letters of Commendation

A priest who wishes to celebrate Mass in a church to which he is not attached must show the letters, both authentic and still valid, of commendation from his Ordinary ; if he is a Religious, he must show the letters of his religious Superior ; if a priest of the Oriental rite, his letters must be given by the Sacred Congregation for the Oriental Church. Under such conditions, the priest is to be allowed to say Mass, unless he has certainly been guilty of some offence meantime (i.e., since receiving his letters) which would debar him from saying Mass. Even if he has no such letters, he may be permitted to say Mass if he is known by the Rector of the church to be worthy ; if he is unknown to the Rector, he may be allowed to celebrate once or twice, but on condition that he wears the ecclesiastical dress, that he accepts nothing on any title whatever from the church in which he celebrates, and that he signs his name, office and diocese in a special book.

These canonical regulations may be supplemented by diocesan statutes, which are to be observed by all, even exempt Religious, except in the cases of permitting Religious to celebrate Mass in a church of their own Order or Congregation.

Usually, Rectors of churches should not demand any offering from visiting priests for the celebration of Mass, nor for the current expenses of light, wine, vestments. In the case of a poor church, however, the Ordinary may allow a moderate charge for the use of the sacred vessels and other necessities, to be exacted from priests who celebrate for their own convenience. The bishop alone may fix the amount ; no one, not even exempt Religious, may then demand more (c. 1303).

¹cf. Benedict XIV, *de Sacrif. Missæ*, lib. 3, c. 16, n. 10 ; Gasparri, *de Euch.* nn. 360, 547 ; *de Ord.*, n. 1066 ; Cappello, I, n. 666, *contra* Gén., II, n. 234.

4. The State of Grace of the Minister

Since the Holy Eucharist is a Sacrament of the living, it is obvious that It demands the state of grace in the recipient, and as It is also the Sacrifice of the New Law, which demands holiness on the part of the minister, the state of grace, that is, freedom from grievous sin, is necessary in the priest who celebrates Mass. But as for reception of Holy Communion, so for celebration of Mass, the canons (c. 807) prescribe that the state of grace must be acquired through sacramental confession, so that a priest who is conscious of being in the state of mortal sin, howsoever contrite he may think himself to be, may not dare to celebrate Mass without previously confessing all his mortal sins ; if, however, in an urgent case he must celebrate Mass, and if no confessor is available, he may do so after making an act of perfect contrition, and he must confess afterwards, as soon as possible, that is, within three days. If, meanwhile, he wishes to celebrate Mass, he must confess his sins, unless the same conditions are present, namely, necessity of celebrating Mass and absence of a confessor.

The precept of the canons in regard to confession as soon as possible is one that binds as a precept and under grave sin. Thus, Pope Alexander VII condemned the statement (pr. d. 38) that "the Tridentine prescription [which is embodied now in the canons] is a counsel, not a precept." Though the obligation of acquiring the state of grace before receiving Holy Communion applies also to the faithful (c. 856), the precept of confessing within three days binds only a priest who has celebrated Mass under the circumstances set out above. Consequently, it does not bind lay people who have received Holy Communion in a case of necessity and without confessing mortal sins in the absence of a confessor, before which, however, they must previously make an act of contrition ; nor does it bind a priest who receives Holy Communion under the like circumstances, and with the same limitations.

In cases where a priest remembers, before celebrating Mass, a mortal sin which he had inculpably forgotten in his

previous confession, he is not bound to confess before Mass, since his sin has been certainly forgiven, though indirectly, nor can he be said to be conscious of mortal sin before celebrating.

It is commonly held that the precept of confessing within three days, under the circumstances as set out above, does not bind a priest who has celebrated sacrilegiously, for if such a priest disregards the divine precept of being free from conscious mortal sin before celebrating Mass, he would, the more readily, disregard the ecclesiastical precept of confessing within three days, and the Church does not, it seems, include the case of such a priest in its law, since it would be useless to do so.

The obligation of confessing conscious unforgiven mortal sin before celebrating Mass or receiving Holy Communion is probably an obligation of Ecclesiastical law. The point is disputed, and no certain conclusion can be stated.¹

5. The Eucharistic Fast

The canons (c. 808) forbid a priest to celebrate Mass unless he is fasting from the previous midnight. Since the Eucharistic or natural fast is obligatory on all communicants (with certain exceptions to be mentioned later), the natural fast will be dealt with in the section treating of bodily dispositions for Holy Communion.² Authors state the following cases in which a priest may celebrate Mass after breaking his fast :

1. If he has a special dispensation. Dispensation may be got to take liquid—exclusive of intoxicants—in cases of inconvenience. A priest who has obtained such a dispensation may take the ablutions in the first Mass if he duplicates.³
2. In order to complete the Sacrifice.
3. To preclude serious scandal or defamation.
4. To avoid some serious harm.

¹ For opposite views, cf. Cappello, I, n. 488; Gén., II, n. 192. The arguments from 1 Cor. 11, 28: '*Probet autem seipsum homo*,' and some expressions of the Fathers do not clearly prove the existence of a divine precept.

² *Infra*, vol. III, p. 211 sqq.

³ S.O., November 16, 1923, including the wine.

5. In danger or fear of death.
6. In order to administer Viaticum.

It is commonly held that Mass should not be celebrated by a priest non-fasting (apart from dispensation), merely that the people should be able to fulfil the precept of hearing Mass. But in such a contingency, it might be that the people would take serious offence if Mass was not celebrated.

6. Preparation and Thanksgiving

The Church commands her priests to prepare themselves by pious exercises, mental or vocal prayers, for the offering of the Eucharistic Sacrifice, and to offer thanksgiving after Mass for so great a benefit (c. 810).

The Church nowhere specifies how long these exercises should last, but divines commonly teach that at least one quarter of an hour should be given. Apart from inevitable interruption or occupation, the thanksgiving after Mass is of very great importance, and should never be omitted. Preparation for Mass is secured by the Church in the liturgy itself, but this fact should not usually excuse a priest from spending a quarter of an hour in direct preparation. The very common practice of spending half an hour in pious meditation before Mass is to be highly commended; no part of so precious a period should be curtailed. Though the divine office is the prayer of the Church, it is not so suitable a preparation or thanksgiving as the prayers proposed by the Church in the Roman Missal. These prayers, however, are not obligatory, and others may be substituted. In returning from the altar to the sacristy after Mass, the psalm *Laudate Dominum omnes gentes* is most easily recited. The *Benedicite* is also recommended by the Church, but most priests find it very difficult to remember.

Pastoral Note

The priest will edify his servers and the people, if he will not allow himself to be spoken to on business of any sort at all until he has finished his thanksgiving. His

servers, too, should be taught to make their thanksgiving in the Church before departure, and before putting away the Mass requisites. Simple prayer books or cards with printed prayers for recital before and after Holy Communion, especially the prayers, *En Ego, Anima Christi, O Deus ego amo Te*, should be easily available for all servers. It may be confidently asserted that the spiritual tone of a congregation is measured by the care which priest, servers, and people bestow on thanksgiving after Holy Communion. But it is the spirit of faith in the Real Presence, and in the Holy Sacrifice, that determines how profoundly the gift of the Blessed Sacrament is realized. Therefore, devout behaviour in presence of the Blessed Sacrament must always be shown and inculcated by the priest.

7. Distractions during Mass

Every voluntary distraction during the celebration of Mass is sinful. If it takes place for a long time during the Canon it is commonly held to be a grievous sin owing to grave irreverence and interruption. A very brief voluntary distraction even during the Consecration or the Communion is probably not more than a venial sin, provided that during the Consecration there is no danger of a serious error.

SECTION 2. The Obligation of celebrating Mass

This obligation may arise from the priesthood, the cure of souls, acceptance of a stipend, benefice, ecclesiastical precept or Superior's command, promise and vow.

1. Obligation arising from the Priesthood

1. All priests are bound to celebrate Mass several times (three or four times at least and on any days) each year. There is no clear reason for assigning any particular days. This obligation is a grave one, and probably based on divine precept.¹ It is, of course, highly becoming that every priest should, if possible, celebrate daily, and this is the more important if the faithful wish to receive Holy Communion

¹ cf. Cappello, I, n. 632, for the two opinions on this matter.

and assist at Mass daily. The canons (c. 805) urge the bishop and the religious Superior to employ their subject priests in these sacred functions at least on Sundays and other holy days of obligation. If the needs of the faithful demand this, the Superior can issue a command under sin.

2. Where celebration of Mass is left to the discretion of the priest, as it is in most parishes, the omission of Mass for a long period without reasonable excuse would undoubtedly be a venial sin, even prescinding from scandal. To omit celebration of Mass, without reasonable excuse, will usually be due to sloth, so that not only will the motive be sinful, at least venially, but the omission of the act of divine worship, praise, propitiation, impetration and satisfaction, will be, we believe, a venial sin of disregard for God's honour and the good of souls. To say this is not to say that one is bound under sin to do what is more perfect, but it is to say that the motive of sloth and the fact of carelessness will usually be sinful. Nevertheless, Mass may be omitted occasionally for sufficient reasons. One reason would undoubtedly be the desire of a better preparation for Mass, or the correction of tepidity and irreverence, if such have been present, and this abstention may best take place during times of retreat. But what is sufficient for daily Communion on the part of the faithful, namely, the state of grace and a devout and right intention, is sufficient for, and more easily acquired by, the priest, who is not taken up with worldly occupations. The obsession of what are called scruples, a state of mind which should more correctly be here called an erroneous conscience, and vain fears, should be put aside by priests from the beginning of their priestly life. If they are to guide others, they should learn how to guide themselves, and, if feasible, choose a spiritual director, whose advice they should follow most faithfully.¹

2. Obligation arising from the Pastoral Office

1. Those who exercise the pastoral office are, in general, bound by divine law to offer Sacrifice for their flock, and also by Natural law, inasmuch as between pastor and flock

¹ Cappello, I, n. 635.

there is a natural contract. In the concrete, Ecclesiastical law has determined the extent of this obligation. The pastor, however, who has the cure of souls, is bound to offer the sacrifice for all his subjects; his obligation does not extend to the departed of his flock, for these are no longer subject to his jurisdiction. The following pastors are bound to offer Sacrifice for their subjects: The Holy Father for all the faithful and by divine law; certain Cardinals who are also bishops in their respective dioceses (c. 240); residential bishops (c. 339); Abbots or Prelates having separate territory (c. 323); Vicars and Prefects Apostolic (c. 306); Apostolic Administrators who are permanently appointed (c. 315); Vicars Capitular (c. 440); parish priests (c. 466); actual vicars who rule a parish (c. 471); temporary vicars, appointed with all the rights and duties of parish priests (c. 473); quasi-parish priests (c. 466). Others, as titular bishops, Coadjutors and Auxiliaries, vicars substituted and assistant, religious Superiors, Rectors of seminaries are under no such obligation, but titular bishops should, in equity, sometimes (about ten times a year) offer Mass for their dioceses, and religious Superiors for their subjects.¹

Vicars and Prefects Apostolic and quasi-parish priests are to offer the Sacrifice on the Feasts of Christmas, the Epiphany, Easter Sunday, the Ascension, Whit Sunday, Corpus Christi, the Immaculate Conception of our Lady, the Assumption of our Lady, S. Joseph, SS. Peter and Paul, All Saints (cc. 306, 466).

2. Residential bishops, Vicars Capitular and parish priests are bound by common law to offer Mass for their people on all Sundays and all feast days of precept, including those suppressed by Pope Urban VIII. The complete list of the suppressed feast days was given by the Sacred Congregation of the Council, Dec. 28, 1919, as follows:

Easter Monday and Tuesday, Whit Monday and Tuesday, the Finding of the Cross, the Purification, the Annunciation, the Nativity of our Lady, the Dedication of S. Michael,

¹ A query on this subject was sent to the Sacred Congregation of the Council but was never answered.

the Nativity of S. John Baptist, the Feasts of the Apostles, S. Andrew, S. James, S. John, S. Thomas, SS. Philip and James, S. Bartholomew, S. Matthew, SS. Simon and Jude, S. Matthias, S. Stephen Protomartyr, Holy Innocents, S. Lawrence Martyr, S. Sylvester Pope, S. Anne, the Patron of the Kingdom or State (S. George in England), Patron of the diocese, city, town or place if the two last are legitimately constituted. In England, the feasts of S. Gregory the Great, S. Augustine Apostle of England, and S. Thomas of Canterbury were kept as feasts of devotion, and Mass for the people was celebrated on those days. The practice was sanctioned by Propaganda in 1847; but in 1866 it was stated that Missionary Rectors were not obliged to say Mass for the people, and that the three feast days mentioned above were not included in the list of feasts suppressed by Pope Urban VIII. It is now certain that Mass must be applied for the people on those days.¹ In England, the feast of S. George is included. A question arose in Spain as to the obligation of saying Mass for the people on particular feast days, peculiar to Spain, that had been suppressed. It was maintained that the obligation extended to no other suppressed feast days except those mentioned in the catalogue of Pope Urban VIII. A reply of the Sacred Congregation² makes it clear that the obligation still persists.

When a feast day is transferred with all obligations on the faithful, the parish priest must apply Mass for the people on the day substituted (c. 339, 3); if only the external festal character is transferred to the following Sunday, he must apply Mass on the proper feast day; if the feast of the Annunciation fall on Holy Saturday, and if the parish priest celebrates the Mass on that day, he must offer it for his people; he cannot offer it at all if a feast fall on Good Friday.

A bishop who rules two or more dioceses as independent entities, or besides his own diocese administers another or others, need say only one Mass on the specified days for his whole flock (c. 339, 5); the same is true of a

¹ S.C.C., July 19, 1941, private reply.

² *Toletana et aliarum, missæ pro populo*, July 19, 1930.

parish priest in similar circumstances. If a parish priest is under a twofold obligation of applying the Conventual Mass and a Mass for his people, he must fulfil both obligations, the former in person, the latter either by proxy or on the next day in person (c. 419, 2).

3. The obligation of saying Mass for the people is a real one, that is, Mass must in every circumstance be said personally or by proxy. Furthermore, it is a personal obligation unless some obstacle intervene, such as illness, or legitimate absence. For a good reason, the parish priest, and others similarly obliged, may have the Mass said by another. Moreover, the obligation must be fulfilled by the parish priest in the parish church, unless circumstances demand or suggest otherwise (c. 466, 4), as in cases of legitimate absence, of special festivities in a subsidiary chapel of ease, of a greater number of the faithful present elsewhere on suppressed feast days, since the faithful are not obliged to hear Mass on those days. In case of legitimate absence, the parish priest may apply the Mass for the people in the place where he happens to be, or may have it applied by another priest in the parish church (c. 466, 5). For a sufficiently good reason, the local Ordinary may permit a parish priest to transfer the Mass for the people to a day other than that prescribed (c. 466, 3). No excuse avails for not fulfilling the obligation of saying Mass for the people (c. 339, 1); if not fulfilled, the omission must be made good as soon as possible (cc. 339, 466). The parish priest is not bound by law to celebrate in person what is termed the parochial Mass, usually the last Mass on Sundays, though he may be obliged by the Ordinary to do so, and even to celebrate a Solemn Mass. The culpable omission of one Mass that should have been applied to the people is a grave sin and is a sin against justice. It is also a grave sin, without just cause, frequently to have the Mass said by a substitute, or not to say it in the parish church; to do either rarely, without cause, would probably be a venial sin. A vicar in charge of several vacant parishes need apply only one Mass for all the people¹; a pastor who,

¹ P.C.C.J., July 14, 1922.

besides his own parish, has the administration of one or more other parishes, must apply only one Mass for all parishioners on the prescribed days.¹

Dispensation from applying Mass to the people on the suppressed feasts can be obtained and is not uncommon where missions are poor.

4. When Masses for the people have not been said when they should have been said, the omission must be made up or condonation must be sought from the Apostolic See. Full condonation is not usually granted. The Sacred Penitentiary deals with the matter as it affects the internal forum of conscience ; other Congregations deal with the external forum. In a recorded case, referred for condonation to the Sacred Congregation of the Council, a priest had died leaving unfulfilled obligations, and as he had left no estate of any sort, real or personal, there could be no possible obligation in justice on any heirs. The Pope approved of the Sacred Congregation granting the condonation, at the request of the bishop of the diocese, with the condition attached that at least one Mass should be celebrated and applied in place of the many Masses omitted, and for the rest, His Holiness the Pope supplied what was deficient from the treasury of the Church. It is to make up for such deficiencies that daily Masses are celebrated by Chaplains attached to the Vatican basilica, and that Pope Benedict XV, by an Apostolic Constitution,² prescribed that one of the three Masses, celebrated by a priest on All Souls' Day, Nov. 2nd, should be offered according to the mind of the Holy Father, who thus wished to supply in some way, so far as in him lay, for those suffrages that had been omitted to the great loss of the Holy Souls.³

3. Obligation arising from Acceptance of Stipends

When an alms or stipend is accepted by a priest for the application of a Mass, there at once arises a serious obligation of applying the fruits of the Mass to the intention of

¹ S.C.C., Nov. 20, 1927.

² *Incruentum Altaris*, Aug. 10, 1915.

³ For a masterly treatment of the doctrine, the reader is referred to A.A.S. 1917, p. 17 sqq.

the donor of the alms. This subject is dealt with at considerable length in the canons, and will receive separate and special treatment in a subsequent chapter.

4. Obligation arising from Benefice

This obligation is one of justice in accordance with the mind of the founder. The beneficed priest must apply Mass daily according to the mind of the founder, unless celebration only was intended. The celebration must be personal, if this condition is stated in the foundation ; if not so stated, he must celebrate Mass personally or by proxy. When the obligation of celebration is personal, he may omit celebration occasionally without getting a substitute.

Sufficient reasons for omitting personal celebration are defect of disposition, sickness and impediment. In the first case the priest may abstain from Mass probably once a week ; in sickness, he need not find a substitute, and if no provision is made by the founder for periods of sickness, the priest need not find a substitute for a period of two weeks' illness, probably of a month. If, through sickness, he cannot celebrate Mass and has no other means of livelihood except his benefice, he need not find a substitute, if his obligations were merely personal and not real.¹ When a temporary impediment intervenes, and it is a reasonable one, he may be legitimately free from his obligation of celebrating for a day or two ; if the impediment is continuous, he may act as if he were sick.²

5. Obligation arising from Ecclesiastical Precept or Superior's Command

The Pope can impose an obligation of applying Mass to some definite intention. The celebration of Mass and its application are not merely internal acts ; the whole is a mixed act, partly internal, partly external, which the Church can impose.

¹ An obligation is personal not real if it is imposed on the person and is thus an obligation that must be fulfilled by the individual himself, and cannot be fulfilled by proxy.

² Cappello, I, n. 694.

A local Ordinary can impose on his subject priests the obligation of applying Masses to definite intentions.¹

Superiors of Regulars can impose on their subjects an obligation in virtue of the vow of obedience of applying Masses in accordance with the will of the Superior or the constitutions of the Order. Furthermore, if Superiors accept Mass stipends, they pass on to their subjects the obligation of celebrating the corresponding Masses, and the obligation, when accepted, is then one of justice to the donor. A refusal to accept this obligation of saying Mass may be a grave, a light, or no sin at all, in accordance with the Superior's will, but if the obligation is undertaken, it is a grave one.

When a Mass is enjoined by a religious Superior or by rule in virtue of obedience, the subject is not at liberty to apply to separate intentions the various fruits of the Mass, unless it is quite certain that the Superior or the rule requires the application of only one fruit, such as that of thanksgiving.

Masses that are prescribed by rule, to be said within a fixed time, where the rule does not bind under sin, must be said within that time, but if a reasonable impediment intervened, they need not be said afterwards. If they were omitted through negligence, they must be said afterwards. A delay of two or three months in applying a Mass imposed without a time limit is not sinful.

6. Obligation arising from Promise or Vow

A promise to say Mass for another may beget an obligation of fidelity or of justice, in accordance with the mind of the promisor. If the obligation is one of fidelity, it is, of its nature, light for no one normally binds himself under grave sin. But it may be grave, if the promisor intended it to be, or if he promised to relieve another of a serious obligation of justice or vow. If the obligation is one of justice, it is, of its nature, grave.

If a promise is given to say Mass for several persons, much depends on the intention of the promisor. He may fulfil the several obligations by saying Mass for all, or he may be

¹ cf. S.C.C. in *Viglevanen*, May 8, 1920.

bound to say Mass for each. In doubt, he may say one Mass for all.

If a priest is obliged to say a Mass for the donor of a stipend, he must apply all the fruits of the Mass by first intention, as it is called, to the donor, but he may apply the second intention of the Mass in fulfilment of a promise to say Mass for a third person, if he did not expressly oblige himself to say Mass by first intention for that person. In doubt as to the extent of his promise he may do so.

If a promise was made to say Mass in thanksgiving, the celebrant may certainly apply the other fruits of the Mass as he wishes, unless, as is unusual, he promised to apply all the fruits of the Mass to the promisee. It is assumed here that no stipend was accepted for the Mass.

A Mass promised under vow begets a grave or a light obligation in accordance with the intention of the person who took the vow.

Note on Additional Celebration

The Church forbids priests to say Mass more than once a day, with the exceptions to be mentioned. This is an ecclesiastical law, and binds under grave sin. Though it was customary to celebrate several Masses on such days as the Circumcision, Maundy Thursday, the Vigil of the Ascension and Saints' Days, Popes Alexander II, Innocent III and Honorius III, abrogated the custom, and issued prohibitions against the practice. Exceptions, however, were allowed for reasons of necessity. Canonists so interpreted the prohibitions, and their teaching became universal and is now accepted. The following cases are the exceptions now permitted expressly by the Church, or sanctioned by reason of universal teaching.

1. The canons (c. 806) allow every priest to celebrate three Masses on Christmas day in accordance with ancient custom, sanctioned as far back as the time of Pope Gregory the Great, and to be found in the Decree of Gratian.¹ The three ritual Masses are set forth in the Roman Missal. If one Mass only is said, it should correspond with the time

¹ C. 3, X, *de Celebr.*; III, 41, *junct.*, c. 48, D. 1, *de Consecr.*

of celebration, viz., midnight, aurora, or morning. A priest allowed by special indult to say the Votive Mass of our Lady every day—an indult usually given to priests with impaired sight—may say that Mass three times on Christmas day, or may say three times one of the Christmas Masses, if he can do so without mistakes.¹ The Masses may be applied by the priest for any suitable intention and a stipend may be accepted for each Mass, but if he must offer Mass for his flock, he must offer one for them without stipend.

2. The second exception is that a priest is allowed to say three Masses on All Souls' Day, Nov. 2nd, a privilege originally confined to some provinces of Spain, extended later to the kingdoms of Spain and Portugal,² and to Latin America.³ If three Masses are said, one may be applied by the priest for any suitable intention, and a stipend may be received, the second must be offered for the Souls in Purgatory, the third for the Pope's intentions. If one Mass is said, the celebrant may receive a stipend for it; if two Masses are said, he may receive a stipend for one. A priest who by Papal indult is allowed to say daily a Votive Mass or the *Missa quotidiana pro Defunctis*, may say the latter three times on All Souls' Day.⁴

3. The third exception is the case of bination, or as it is commonly called, duplicating. This requires special Apostolic indult or faculty of the Ordinary. The Ordinary cannot give permission to a priest to say more than two Masses on the same day (c. 806, 2). The canons also forbid the Ordinary to grant the faculty of bination unless he prudently judges that a notable part of the faithful will be unable to hear Mass on a Sunday or holy day of obligation owing to lack of priests. This permission granted by the Ordinary is not personal, but territorial, and therefore a substitute for the parish priest may binate; the Apostolic privilege is usually personal and cannot be delegated. If a parish priest has to serve three or four different parishes, he

¹ S.R.C., Jan. 26, 1920.

² Pope Benedict XIV. *Quod Expensis*, Aug. 26, 1748.

³ Pope Leo XIII, *Trans Oceanum*, Apr. 18, 1897.

⁴ Pope Benedict XV, *Incruentum Altaris*, Aug. 10, 1925.

may not celebrate more than two Masses on the same day. A parish priest may not take any stipend at all on days (except Christmas day) when he applies Mass to his flock. One who is not a parish priest but who applies Mass for the people in place of a parish priest may not accept any stipend at all when he binates, for one of the two Masses said is already a stipend Mass.

The necessity that would justify the Ordinary in granting the faculty of bination would be verified if the parish priest served two parishes, considerably distant from one another, or a parish and a chapel of ease, or if the church is too small to hold all the congregation, or if a part of the congregation could not conveniently be present at one Mass. A notable part of the faithful is considered generally to consist of about twenty persons. Faculty to binate is not given for days other than Sundays and holy days of obligation, except in rare cases, and that, by the Holy See, nor for private oratories, except in the case of nuns of strict enclosure.

In case of real urgent necessity, when recourse to the Ordinary is morally impossible (the telegraph or telephone need not be employed) permission to binate may be presumed. For the purpose of consecrating a host for Viaticum—if such an emergency should arise—a second Mass may be celebrated, even, probably, by a priest who has broken the Eucharistic fast. Such a case is rare, but it might arise where all the hosts had to be used or consumed at the Mass in, v.g., a chapel of ease. This exception is, of course, permissible, even on a weekday.

SECTION 3. Assistant Priest

Bishops and other prelates who are entitled to the use of pontificals (crozier and mitre) may have an assistant priest when celebrating Mass. Other priests have not that right, except in cases of blindness, or of the first Mass of a newly-ordained priest, and then only for the sake of security and corrections not as a mark of honour. An assistant priest may be employed on shipboard. Canons who have an immemorial privilege may continue the practice. In the

case of the newly-ordained priest's first Mass, the assistant priest may wear the stole. In solemn High Mass, a priest, vested in surplice, may assist at the Missal throughout Mass, and also during a Missa cantata.

SECTION 4. Mass Server

A priest may not celebrate Mass without some one to serve him and to make the answers. One male server alone is permitted in the strictly private Mass of priests. The parochial Mass and the Community Mass in pious and religious houses are not strictly private, nor are those Masses which are celebrated with some special solemnity on extraordinary occasions.

The server should move the Missal, unless he is so small that he cannot do so, and present the wine and water, and ring the bell. He may not open the Missal, nor wipe the chalice after the ablutions, nor place the veil and burse on the purified chalice. He must answer in the name of the people, and answer distinctly and correctly, without undue haste. A server's mistakes should be corrected after, not during, Mass, and he should be taught the meaning of the words. Since the Mass server usually receives Holy Communion, his thanksgiving is apt to be perfunctory or non-existent. He should, therefore, be always supplied with a small prayer-book or card containing prayers after Holy Communion, and on returning to the sacristy should not on any account be allowed to indulge in conversation. He should be taught how to make a suitable thanksgiving and be given time to make it in church. Disregard of this point leads to great irreverence on the part of thoughtless servers to the scandal of the faithful.

The obligation of having a server is a grave one, and only a serious reason will excuse a priest in dispensing with one.

If a suitable server is not available a person may be employed who can offer the cruets, move the missal, and ring the bell. In conformity with canon 813 a woman may act as server only if no man is available, and on condition that she answers from a distance and does not approach the altar.

The S.C. de Sacramentis in an Instruction dated Oct. 1, 1949 made the following pronouncement:

Liturgists and moral theologians are agreed that causes excusing from the presence of a server are reduced to the following:

- (a) for the administration of Holy Viaticum.
- (b) that the people may hear Mass of obligation.
- (c) during time of plague, when otherwise the priest would have to abstain from celebrating for a considerable time.
- (d) if the server went away during the Mass even before the consecration and offertory.

Outside these cases there is no derogation of the law without a papal indult.

The Instruction adds that His Holiness has ordered a clause to be inserted in an indult allowing Mass to be said without a server: "Provided that some one of the faithful be present." The server is not obliged to wear cassock and cotta; he has a right to receive Holy Communion before all other lay people, with the exceptions of members of the Royal Family or the equivalent, and the bride and bridegroom in a Nuptial Mass.¹ The lay male server may receive within the sanctuary, and kneeling on the predella, even if in lay dress.²

In addition to the communion cloth, a metal plate is now prescribed to be held under the chin of each communicant during reception of Holy Communion. The Instruction of the Sacred Congregation of the Discipline of the Sacraments (March, 1929) imposed the use of this plate, of silver or gilt. A reply to the bishop of Rodez makes it clear that the Mass server may hold the plate under the chins of the communicants. In a Solemn Mass, the deacon holds the paten during the distribution of Holy Communion. In the case of children's Communion, reverence for consecrated fragments of the Host would always justify the server holding the communion plate.

¹ S.R.C., Jan. 30, 1915.

² S.R.C., July 8, 1911.

Note on Missa Dialogata

The Sacred Congregation of Rites was asked whether the faithful assisting at Mass might, all together, give the responses instead of the server doing so. The reply was that the common practice should be retained. To the question, "Is the usage to be approved whereby the faithful, assisting at Mass, recite in a loud voice the Secret, the Canon and the words of consecration?" it was replied in the negative and that any custom to the contrary was an abuse and to be abandoned (Aug. 4, 1922).

On November 30, 1935, the same Congregation, in a reply to the Archbishop of Genoa, stated that it is for the Ordinary to judge in each case whether the practice of the *missa dialogata*, in which the people in a body answer what the Mass server answers and also recite with the priest the *Gloria*, *Credo*, *Sanctus*, *Benedictus*, and *Agnus Dei*, in itself laudable, may cause disturbance rather than foster devotion. The matter is, therefore, left to be prudently decided by the Ordinary.

FRATERNITAS SACRAMENTORUM

CHAPTER IV

THE MATTER OF THE SACRIFICE (cc. 814-816)

SECTION 1. The Necessary Matter

THE Holy Sacrifice must be offered in bread and wine ; with the latter a very small quantity of natural water must be mixed. Bread and wine are required in virtue of divine institution, for Christ consecrated both bread and wine, and commanded His Apostles to do the same. The admixture of a little water is prescribed by the Church, but does not affect the validity of the Sacrifice. It is prescribed, because it is in accordance with Apostolic tradition. The Armenians refused to mix water with the wine, but the Church upheld its tradition.

The smallest sensible drop of water is sufficient, and it is not at all necessary to count the drops. Care must, however, be taken that the water is mixed with the wine, and does not merely adhere to the side of the chalice. The water and wine, as a mixture, are transubstantiated into the Precious Blood ; if water were commingled with the sacred species after the Consecration, it would not be changed into the Precious Blood, nor, probably, if the water were mixed with the wine after the beginning and before the completion of the form of words.

In practice, a very small quantity of water is to be mixed with the wine. Divines disagree as to what quantity would invalidate the matter. Some allow water to be one-fifth of the whole mixture ; others, to be one quarter ; others, one-third, especially when the wine is full-bodied. But these opinions are of value only *post factum*, to determine, for example, whether or not the Sacrifice has really been offered. *Ante factum*, priests should be most careful not to use more than a few drops. The difficulty is real when a subdeacon at the Offertory has poured into the chalice a large quantity of water. It is best, on such occasions, to empty the chalice altogether, and to pour in other wine

and mix a little water. The celebrant should satisfy himself that the quantities are correct, since it is he who is about to offer the Sacrifice. If any liquid is, by some unusual accident, added to the sacred species in the chalice after consecration, it is thought that no quantity of wine would corrupt the sacred species, but that other liquids would do so, if they either had a chemical effect on the accidents, or if mixed in such large quantity that the resulting mixture would not have the appearance or qualities, in common estimation, of the original wine. If a very small quantity of liquid, wine or water, were mixed with the sacred species, since the mixture would be a mechanical not a chemical one, it seems probable that the Sacred Presence would still persist. But the matter is so doubtful, that it would be right to treat the species as probably corrupted, and new matter should be taken to complete the Sacrifice. The probably corrupted species should be consumed before the ablutions.¹

SECTION 2. Valid and Lawful Matter

For the validity of the Sacrifice, the bread should be made from pure wheaten flour, not from barley, rye, rice, oats, vegetables. It should be kneaded with natural water (rain, spring, sea-water), not with liquids such as oil, milk, egg, melted butter. It should, furthermore, be baked by fire, not merely dried or boiled. Consequently, dough and dumpling are invalid matter. Bread that has been baked remains bread, though it be compressed into a more or less consistent mass, or though moistened, for if it were not, when the sacred species is moistened by the saliva, it would cease to be the species of bread, and would lose its consecration. That it does not do so is certain, for it is held as certain that a true eating is necessary for Holy Communion, and this does not take place unless the species is taken as food and swallowed. In cases of urgency, flour may be kneaded with water, and baked with a hot flat-iron.

For the lawfulness of the matter used in the Sacrifice,

¹ cf. S. Th., S., 3, q. 77, a. 8 ; Cappello, I, n. 241.

the bread should be recently made, so that there may be no danger of corruption (c. 815). The rule here is to act with the greatest prudence. Bread will corrupt easily in a short time in moist hot climates.¹ In England, a sound practical procedure is to reserve no hosts beyond three weeks from baking; to secure this limit hosts should be renewed about every fortnight, better, every week. The hosts consecrated for Mass, Communion, and Benediction should be recently made. It is a laudable practice to renew the Benediction host every week. The instructions issued by local Ordinaries must be carefully observed (c. 1272); the Sacred Congregation of the Discipline of the Sacraments forbade the consecration of hosts that were two or three months old and ordered the decree to be made known.² This decree, as disciplinary, binds all under serious sin.³ It would, therefore, be rash to put newly consecrated hosts in the same ciborium with consecrated hosts two or three weeks old, unless all the hosts could be distributed in Holy Communion within a few days. Coloured breads may not be used for consecration, because the colouring matter may have corrupted the flour, and such a substance is not commonly called bread.

Furthermore, the hosts used for Mass should be clean, entire and uncorrupted. If a soiled or broken host is used, a grievous sin of irreverence will be committed, if the stain or fracture is considerable, except in cases of extreme necessity for Viaticum, or completion of the Sacrifice, if nothing better can be had.

The shape of hosts in the Latin Church must be circular, in the Greek Church it is square for the celebrant, and triangular for communicants. Though it is customary for an embossed image of the crucifix or the sacred monogram, I H S, to be impressed on the hosts, there is no obligation in this matter other than that of retaining established customs.⁴

¹ The writer has preserved hosts since the year 1914; there is no apparent sign of corruption in them. Of course, they could not be used lawfully for Mass.

² Cappello, I, n. 412.

³ A.A.S., 1919, p. 8.

⁴ S.R.C., Apr. 26, 1834.

The host used for the celebrant should be large, that for communicants small enough for easy reception into the mouth. Customs vary greatly. It appears more satisfactory to use a medium sized host for all communicants. The distinction made between hosts for children and hosts for adults is unnecessary and confusing for the priest. The hosts should be of a firm texture, not very thin, so that there may be less danger of fracture of the host in giving Holy Communion. It may be added that a very thin host melts too quickly in the mouth ; a firmer host gives a communicant the satisfaction of something received, felt and swallowed. Then, too, a very thin host is apt to become broken at its edge when the priest gives Holy Communion. To obviate this danger, the host, when being given in Holy Communion, should always be held by more than its extreme edge.

The celebrant may use for Mass a small host, if there is no fear of scandal, in cases where a large host is not available, or if he cannot swallow the large host owing to a painful affection of the throat.

SECTION 3. Kinds of Bread

For lawful consecration, Latin priests must use unleavened bread, Greek priests (also Melchites, Chaldæans, Syrians, Copts) must use leavened bread. This is not merely a matter of discipline, but of grave obligation. But in two cases, the priests of either rite may, if necessary, use either kind of bread, namely, when the Sacrifice has to be completed, and (most probably) when Viaticum has to be administered. The canon (c. 816) so severely forbids variation in rite, that a Latin priest celebrating in a Greek Church may not use leavened bread. Furthermore, though bread made from the crushed grains of wheat is true bread, it has foreign matter mixed with the pure flour, and, therefore, the grain should be crushed, reduced to flour and sifted well.¹ Consequently, brown bread, though truly bread, made from whole meal, would be unlawful matter.

¹ S.O., 1852.

SECTION 4. Kinds of Wine

The Mass wine must be the natural wine of the grape and incorrupt. It must, therefore, have been made from grapes which had at least begun to ripen, and the liquid must have begun to ferment; fermentation begins when grapes are crushed. Chemical substances, though containing most of the qualities of grape wine, are invalid matter, such as liqueurs and many liquids sold as wine, v.g., malaga, madeira, Lachryma Christi, and wine produced from green grapes by adding sugar, as also the second wine made by pouring water over grapes already pressed and used. As the must of grapes ceases to ferment when it reaches about 18 per cent of alcohol, a 30 per cent alcohol wine is no true wine. Wine that begins to ferment again is not corrupted.

Wine that is corrupted is invalid matter; therefore, wine that has gone sour cannot be used; wine that has begun to go sour is forbidden. Missionaries have been allowed to use the juice pressed from raisins which had been steeped in cold water from seven to ten hours.¹ To prevent wine going bad it is permitted to add some wine alcohol during fermentation up to a combined total of 12 per cent alcohol for weak wine; if the wine itself contains 12 per cent or more, the total combined amount of alcohol may be 18 per cent.² The addition of tartaric acid or sugar to wine has been condemned, except that a very small quantity of sugar was permitted in a very special case.³ In grave necessity, wine that is a little sour may be used. Wine in the frozen state may not be used for Mass, but if it freezes during Mass, it must be liquefied in accordance with the Rubrics of the Missal,⁴ a prescription which proves that the Sacred Presence remains under the frozen species. It would be a grave sin to consecrate frozen wine. Fresh wine not strained is forbidden.

It is somewhat superfluous to discuss what is the minimum

¹ S.O., 1706, 1879.

² S.O., 1890.

³ P.F., Nov. 11, 1892; Verm., III, n. 372.

⁴ *Missale de defectibus*, x. n. 11.

and what the maximum quantity of matter that can be consecrated. Briefly, bread and wine, however minute in quantity, provided they are perceptible in themselves, not necessarily to the celebrant, can be consecrated. Similarly, any quantity of bread and wine that can be actually present to the priest can be consecrated.

SECTION 5. Valid Consecration

For valid consecration, the matter must be present, definite and specifically determined.

1. It must be truly present, in a moral and sensible manner, for if it were not, the words : " This is My Body etc." would have no meaning. This presence of the matter is said to be physical presence, but it may rightly be held that moral presence is sufficient, as would undoubtedly be the case with hosts contained within a closed ciborium. But though the matter must be present, it need not be actually perceived by any sense. We have here to judge of conditions in a human, not a metaphysical, way. Consequently, all the hosts contained in a ciborium that is closed, and wine contained in a covered chalice, are sufficiently present for valid consecration, whereas, hosts behind the altar or behind the celebrant or in the closed tabernacle, or too far distant (opinions vary between 50 and 10 paces) are not present. In accordance with the practice of the Church, newly-ordained priests certainly co-consecrate the bread and wine with the officiating bishop, in spite of the distance that intervenes. A host which, during consecration, remains beneath the corporal, or the altar cloth, or under the foot of the chalice, or in the Missal, or behind the Missal, is to be considered not more than doubtfully consecrated, and should be treated as such, subject to such limitations as will be mentioned later in respect of the intention of a celebrant to consecrate only what he sees.

2. The matter must not only be present, it must be the object of a definite intention, for if this were indefinite and vague, the form of words would have no meaning. Consequently, it would be impossible to consecrate any unspecified

ten hosts in a ciborium containing more than ten. Furthermore, the celebrant must determine precisely what he wishes to consecrate, in order that the words of consecration may be applied to definite and determinate matter. The following examples will serve to make these principles clear :

(a) If two large hosts adhere together at the moment of Consecration, since the priest intends to consecrate what he holds in his hands, both hosts are consecrated.

(b) When the hosts in a ciborium or on the corporal are intentionally consecrated, a mistake on the part of the number of them does not affect their consecration.

(c) If hosts are placed on the corporal to be consecrated and the celebrant adverts to the fact and intends to consecrate them, they will be consecrated, even though at the moment of Consecration during Mass he forgot their presence. His previously formed actual intention remains a virtual intention, that is, his previous act of the will persists in its efficacy, though not at every moment adverted to, for if it did not, he would not be continuing to celebrate Mass at all.

(d) If unconsecrated hosts have been mixed with hosts already consecrated, all the hosts must be consecrated with the condition in the intention, viz., I wish to consecrate these hosts, but so that only those not yet consecrated shall now be consecrated.

(e) Hosts placed on the altar near the corporal without the knowledge of the celebrant are not consecrated by the words of Consecration in Mass, for he never had any intention of consecrating them. If, however, they were placed on the corporal, without the knowledge of the celebrant, their actual consecration will depend on the priest's intention. If he has the intention of consecrating all that is on the corporal and that can be consecrated, they are certainly consecrated. If he wishes to consecrate only what he actually perceives and explicitly wishes to consecrate, they are certainly not consecrated.

(f) If the celebrant adverted to certain hosts that had to be consecrated, and had intended to consecrate them, and if, by mistake, they remained outside the corporal, and

were not adverted to by him at the moment of Consecration in the Mass, it is a matter of controversy whether or not they are consecrated. Some of the older authors were convinced that such hosts would not be consecrated, and they urged the plea that no priest can be supposed to wish to consecrate what is outside the corporal. But the hosts would certainly be consecrated if the priest had formed the explicit intention of consecrating hosts that had been left off the corporal. In view of the ancient controversy which cannot now be settled, failing such an explicit intention, such hosts are to be considered doubtfully consecrated, they may not be distributed in Holy Communion, and must be consecrated conditionally, in a subsequent Mass, or consumed before the ablutions, or if neither is possible, they must be put into a separate vessel, enclosed in the tabernacle, and left, if that is possible with due reverence, to corrupt.¹ No array of modern authors prevents one from adopting the view of S. Alphonsus against consecration in such a case, nor could these authors themselves solve the difficulty. Most modern authors reject the plea mentioned above as completely unfounded, since it would lead, they think, to absurdities. We believe that there is no finality in this matter.

(g) Drops of wine which may be adhering to the exterior of the chalice are not consecrated, as no priest can be supposed to intend to consecrate them; drops of wine which adhere to the interior sides of the chalice may or may not be consecrated—at least, the matter is disputed—in accordance with the intention of the priest. The interior of the chalice is always carefully wiped after Mass with the purificator, except when two or three Masses are said on the one day by the same priest, as on Christmas day, or when binating, in which case, the chalice is purified after the last Mass. In the event of drops remaining, a priest should determine never to consecrate these, nor any others in similar circumstances, by eliciting, early in his priesthood, the intention of not consecrating such drops.

¹ Cappello, I, n. 308.

Similarly, particles of the host broken off but still adhering to the host are probably consecrated with the host itself; particles broken off, not adhering to the host, but lying on the corporal, cannot be supposed to be consecrated with the host itself, unless the priest wishes to consecrate all that is actually on the corporal. The case is slightly different with small fragments of hosts in a ciborium. We believe that *post factum* all such fragments must be considered consecrated, for the reason that a priest can never know what fragments have become detached after Consecration, and what before Consecration. No intention in this matter need be elicited to preclude the consecration of fragments.

(h) As hosts left outside the corporal are, in the case contemplated above, to be considered as doubtfully consecrated, the following question arises, viz., may the celebrant consecrate such hosts conditionally for a very grave and urgent reason, such as the paschal Communion of the people, after the Consecration of the Mass host, or even of the wine? In accordance with the almost universal opinion, such conditional consecration must be condemned as unlawful, as stated in treating of the double consecration.¹

SECTION 6. Lawful Consecration

For the lawful consecration of valid matter certain conditions are necessary.

1. Both bread and wine must be consecrated during Mass, for it is severely forbidden (c. 817), even in cases of extreme necessity, to act otherwise.

2. Only so much matter may be consecrated as will be required in the near future, lest the species corrupt.

3. All the Rubrics of the Missal must be faithfully observed. Special attention must be paid to the following, viz., that the matter to be consecrated should be, at the moment of Consecration, upon the altar and on the corporal, and in case of hosts to be consecrated in a ciborium or a pyx, the vessel must be uncovered. A consecrated altar or altar stone is prescribed, and probably under serious obligation.

¹ *Supra*, vol. III, pp. 83—84.

Hosts, chalice, and ciborium or pyx, if the latter contain matter to be consecrated, should be on the corporal, and if possible on the consecrated altar stone; if this is not large enough, it is sufficient if part of the foot of the chalice rest on the altar stone, and if the ciborium is placed on the stone during the Consecration, the chalice being put aside for the moment. After its consecration, the ciborium may be moved aside.

A ciborium containing hosts to be consecrated must be uncovered, i.e., its lid must be removed, during both Oblation and Consecration.

All the hosts that are to be consecrated are to be offered at the same time. If, however, hosts to be consecrated are brought shortly after the Offertory, they may be consecrated, but they should be offered by an interior act of oblation. If they are brought after the Canon of the Mass has begun, a moderately grave reason is required to justify the priest accepting such hosts; if he does so, he must make an interior oblation of them. Amongst sufficiently grave reasons are enumerated, Holy Communion for the people, even for one person, Viaticum for the sick or the dying, the need of a host for Benediction, the additional host necessary in the Mass of Holy Thursday, hosts needed for a Nuptial Mass. In the case of only one person, as the server of Mass, requiring Holy Communion, most authors advise the priest to break off a portion of the large Mass host and administer It. If hosts to be consecrated are brought after the Consecration or Communion of the Mass, they may not be consecrated. Most authors would consider this a sacrilegious act, as it would be, in their view, to begin a new Sacrifice and leave it incomplete.

Note on the Matter of the Holy Eucharist

The following Instruction was issued by the Sacred Congregation of the Discipline of the Sacraments¹: *Quoad cautelas servandas in paranda materia Sacramenti Eucharistici*:

1. Panis debet esse mere triticeus et recenter confectus, ita ut nullum sit periculum corruptionis (c. 815). Ideo

¹ March 26, 1929: A.A.S., 1929, p. 631.

consequitur panem ex alia substantia conflatum, vel illum cui tanta sit admixta quantitas a tritico diversa, ut juxta communem æstimationem tritici panem esse dici nequeat, materiam validam pro conficiendo Sacrificio et Sacramento Eucharistico haud constituere.

2. Item uti valida materia nequit haberi vinum, seu potius liquor, qui sit ex pomis aliisque fructibus eductus, vel chemicæ artis ope elaboratus, quamvis vini colorem, ejusque quodammodo elementa continere edicatur, vel illud vinum, cui aqua majore vel pari quantitate sit permixta. Immo, uti dubia reputanda erit materia, nec proinde adhibenda, si, licet non majore aut pari quantitate quæcumque alia substantia tritico aut vino commisceatur, notabilis tamen quantitas aliena sit ipsi admixta; nefas siquidem est tantum Sacramentum nullitatis periculo objicere. Ad hunc finem convenit ut ejusdem materiam parantes ea pernoscant quæ Suprema S.C.S.O. decrevit die 4 Maii, 1887, 30 Jul., 1890, 15 Apr., 1891, 25 Jun., 1891, 5 Aug., 1896. Quæ pressius ad rem nostram faciunt, referre præstat: "Episcop. Carcassonen. eidem S.C. duo remedia proposuit, sive cum vineæ abundantibus aquis inundantur, sive cum vinum ipsum transfertur, adeo ut debilitetur, vel facile corrumpatur:

(a) Ut vino naturali addatur parva quantitas *d'eau-de-vie* ab ipsis proprietariis diligenter cum vino vero præparatæ (v.g., 15 vel 20 pro centum), et sic corruptionis periculum evitaretur;

(b) Ut ebulliatur vinum usque ad 65 altitudinis gradus; tunc enim refrigeratum, minuitur quidem quantum ad quantitatem, sed ab omni corruptionis periculo præservatur. Et quærebat utrum hæc remedia licita essent in vino pro sacrificio Missæ, et quodnam præferendum." S.C., fer. iv, Maii 4, 1887, reposuit: Adhibeatur vinum ebullitum.

3. Vicarius Apostolicus Tche-li in Sinis retulit quandam operationem præservandi vinum qua vinum ex vite verum cujus centum partes sex vel septem alcoolis heterogenei, seu non ex vite producti admixtas habent [ten pounds of cane sugar were mixed with 100 pounds of grapes and the mass fermented]. Pro casu reposuit S.C., 25 Jun., 1891:

Vino pro sacrosancto Missæ sacrificio addendum potius esse spiritum, seu alcool, qui extractus fuerit ex genimine vitis, et cujus quantitas una cum ea quam vinum de quo agitur naturaliter continet, haud excedat proportionem duodecim pro centum. Hujusmodi vero admixtio fiat quando fermentatio, sic dicta tumultuosa, defervescere incœperit, et ad mentem. Mens est, si missionarii nequeant per se ipsos obtinere spiritum vini ex vino regionis, vino vel vinis regionis addant uvas passas, et faciant omnia simul fermentare.

4. Cavendum est ne vinum, quod pro Missæ sacrificio paratur, diutius in lagena seu amphora maneat, adeo ut facile acescat, neve aliquantulum aquæ furtim eodem hausto, reliquo immisceatur.

CHAPTER V

THE FORM OF THE SACRIFICE

SECTION 1. The Essential Form

THE form of Consecration is the form which Christ Himself used at the Last Supper. For the consecration of the bread the essential form is contained in the phrase : *Hoc est enim Corpus Meum*.

The word *enim* in the form of consecration is not essential, but it may not be omitted. Apart from contemptuous disregard—which would be a grave sin—it would be a venial sin to omit it.

The phrase preceding the form, namely, that beginning with the words : *Qui pridie*, is no part of the essential form, and is not required for valid consecration. Scotus and others thought it was, because only in the employment of it can the priest express his intention of acting in the name of Christ. If the form has to be repeated over the same matter, owing to doubtful consecration, the Rubrics prescribe that the whole phrase from *Qui pridie* should be repeated, but if, during the actual recital of the form, a mistake is made, as when the priest has said, *Hoc est enim Calix meum*, it is sufficient to repeat the form, *Hoc est enim Corpus meum*.

Substitution of a different word for one of the words of the form of Consecration, or the employment of a different order of the words, would not invalidate the Consecration, provided that the sense of the words was not changed, but to do either of these things deliberately would be sinful. Thus : *Hic cibus, hæc res, hoc est meum Corpus*, would not affect the Consecration ; *hic* (*scil.*, *in hoc loco*) *est Corpus meum, hoc sit Corpus meum, Hoc Corpus meum*, would invalidate the Consecration ; *hæc est caro mea, illud est corpus meum*, would render the Consecration doubtful. A slight verbal error or fault of pronunciation, such as, *colpus* for *corpus*, *men* for *meum*, *calis* for *calix*, would not invalidate the Consecration. Therefore, if the sense is left intact, the form should not be repeated after such slight accidental changes.

The form for the consecration of the wine is : *Hic est enim calix Sanguinis mei, novi et æterni testamenti, mysterium fidei, qui pro vobis et pro multis effundetur in remissionem peccatorum.*

The words : *Hic est calix Sanguinis mei*, or *Hic est Sanguis meus*, are certainly essential ; possibly the rest of the form is essential, but all are agreed that if any of the subsequent words are omitted a grievous sin is committed, and the whole form must be repeated conditionally.

A substantial change in the form would invalidate the Consecration, as : *Hic sanguis est meus, Hoc sit sanguis meus* ; what is dubiously a substantial change would render the Consecration doubtful, as, *Ille est sanguis meus, Hic calix sanguinis mei.*

Since the priest actually converts the material elements into the true Body and Blood of Christ, he must pronounce the form, not as merely rehearsing what Christ said, but as producing the effect which Christ produced, since that was the expressed wish of Christ, and since the Church gives the priest the power of consecrating.

SECTION 2. Doubts as to Validity

In the celebration of Mass, a priest may have doubts as to the validity of the Consecration, owing to forgetfulness, distractions, or mistakes. He can do no better than obey the prescriptions of the Missal, wherein he is told that if he does not remember to have said what it is customary to say in respect of the Consecration, he need not, therefore, be troubled. But if he is certain that he omitted some words that are essential to the Sacrament, he should repeat the form (from the words *Qui pridie*, as stated above) and then continue from the point where he had left off. If his doubt is a very probable one, he should repeat the form conditionally. If what he omitted is not essential to the Sacrament, he should not repeat anything but proceed with the Mass. A few applications of the foregoing Rubric may be indicated.

A priest, at the *Pater Noster* in Mass, remembers that he did not make the Oblation ; he should continue the Mass.

Before the Communion, he remembers that he did not consecrate the wine; he must consecrate it at once, and continue where he left off. After the Communion he remembers that he did not consecrate the wine; he must get another host and fresh wine, mix a little water with the wine, offer both, consecrate and consume. In danger of scandal, wine alone may be consecrated. After the consecration of both species, he observes that the host is invalid matter; he must get a host, offer it and consecrate it, beginning at *Qui pridie*. If, after Consecration, he observes that the chalice contains water only, he must get wine, mix a little water with it, offer and consecrate, beginning at *Simili modo*. If he observed this after consuming the Host, or after consuming the water, he must get a new host, new wine and water, offer, consecrate and receive. If there is fear of scandal, he need only use new wine and water but no new host. If both forms of Consecration had been invalid, and he realizes this just before receiving the species of bread, he must pronounce both correct forms and receive Holy Communion. If he realized this after having received both bread and wine, he must discontinue. In case of possible serious scandal, he may offer and consecrate new matter, receive Holy Communion and finish the Mass.

CHAPTER VI

THE RUBRICS OF THE MASS (cc. 816-819)

SECTION 1. Rites and Language

THE priest, in celebrating Mass, must observe with exactness and devotion the Rubrics of his ritual books, and must refrain from adding prayers or ceremonies on his own initiative ; all contrary customs are disapproved. Thus, a Latin priest may not celebrate in the Oriental rite, nor an Oriental in the Latin rite, even when travelling or when celebrating in churches not pertaining to their respective rites. Regulars, who enjoy the privilege of a proper liturgy, must observe it even when celebrating outside their churches. Pope Innocent I wished the Roman rite to be exclusively recognized by the whole Latin Church. Pope S. Pius V commanded his revised Roman Missal to be used without change or addition, except where privilege was claimed by prescription.

Priests of the Western Church are bound to use the Latin language. Eastern Churches use their national languages, though they greatly differ from the vernacular now in use. The Epistles and Gospels were formerly read in the Roman Church in Latin and Greek ; the custom still obtains in the Papal Solemn Mass.

SECTION 2. Obligation of the Rubrics

The Rubrics of the Mass are general and particular. The general Rubrics are embodied in the prescription printed at the beginning of the Missal ; the particular Rubrics are printed in red letters in the body of the Missal.

Amongst the general Rubrics, some are doctrinal, and are embodied in the title, *de defectibus in celebratione Missarum*. These Rubrics are binding to the extent that the doctrine expressed in them is to be held. Rubrics, in general, are either preceptive or directive. Those which are preceptive bind under sin. Those which are directive do not bind under

sin. Rubrics which must be observed during the actual celebration of Mass are considered preceptive, unless the contrary is evident. These bind under grave or light obligation, in accordance with the nature and character of that which is prescribed, so that a grievous sin may be committed by disregarding the Rubrics of the celebration of Mass. Those Rubrics which concern the action of a priest before or after Mass are merely directive, but a violation of these may be sinful, if they are violated from contempt or sloth or some unworthy motive. In violating the prescriptive Rubrics, the gravity of the sin will depend on the purpose of the Rubric, namely, its regard to due reverence to the Holy Sacrament, or to a merely ecclesiastical law ; again, the sin will depend on the part of the Mass during which a Rubric is violated, or on the action prescribed, as the mixing of a little water with the wine, which has a grave mystical significance ; finally, the sin will depend on the number of the Rubrics disregarded, for the violation of many Rubrics would, in practice, connote great contempt or very culpable negligence.

SECTION 3. Additions and Omissions in the Mass

1. The addition of new rites or ceremonies or of many prayers would be a serious sin. Slight addition would not be serious, unless, probably, the addition was scandalously incongruous. But the addition of even one Collect is forbidden, as also the addition of private, even mental, prayers at the pleasure of the celebrant, if added to the ritual prayers of Mass. An occasional short ejaculation that in no way interrupts the sequence of the Mass prayers, as during genuflexions and blessings, would not be sinful. But the celebrant of Mass may not pronounce the words " My Lord and my God " at the Elevation, even in a whisper.¹

2. Omissions of integral parts of the Canon, as *Memento*, *Communicantes*, *Supplices Te rogamus*, are serious sins, but not, probably, the omission of the *Pater Noster*, or *Libera nos* or *Agnus Dei*. The omission of a *Gloria*, *Credo*, or a commemoration, or a Collect, would not be a serious sin. It is a grave sin

¹ S.R.C., Nov. 6, 1925, I.

to omit all the beginning of Mass to the Introit, or the Epistle with Tract and Gradual, or the Gospel (but not the last Gospel), or all the prayers proper to a Mass (but not the commemorations), or several of the prayers between Offertory and Canon.

If, in Holy Week, a priest cannot read the whole of the Passion, and must say Mass or wants to say it from devotion, he had better substitute, if he can do so without scandal, the Votive Mass of the Passion.¹ In other circumstances also, weakness or considerable weariness would justify a priest in omitting the lengthy lessons during some of the Masses in Ember weeks.

The omission of a very few genuflexions, inclinations, or blessings, would not be a grievous sin. The paten and chalice must be purified under serious obligation, unless it is quite certain that none of the sacred species remains. The addition of a little water, and the breaking of the Host, and the commingling of the particle with the Precious Blood are matters of grave obligation. Divines are not agreed as to the mystical signification of these acts, nor need the priest see any in them. It is probably not a venial sin to purify the fingers with water only, especially, as S. Alphonsus states, if the wine would greatly stain the purificator. The washing of the fingers before and after Mass is a directive Rubric only, as also are the prayers suggested to be said privately before and after Mass. Prayers to be said during vesting may be omitted without sin.

3. A priest who, from weakness or sickness, cannot observe all the Rubrics of the Mass, may say Mass, if scandal is not reasonably given, but in cases of notable defect, or when he cannot stand, or employs an artificial arm or hand, he should apply for a papal dispensation. If he can do everything except elevate the Sacred Host and chalice, he should not say Mass in public unless it is necessary to do so, and the assistants should then be warned not to take scandal. If a priest must use a stick or crutch for support, he may say Mass, but should prevent scandal arising.

¹ Cappello, III, n. 818.

SECTION 4. Holy Week

Both the solemn and the simple rites for the sacred ceremonies of Holy Week are permitted in all churches and public and semi-public oratories. Where there is a sufficient number of ministers the solemn rites should be performed with all splendour. For the use of the simple rite it is absolutely required (*prorsus requiritur*) that there be a sufficient number of servers and also that they be thoroughly instructed.¹ The number required is at least three for Palm Sunday and Maundy Thursday, and four for Good Friday and the Paschal Vigil.

Second Sunday of Passiontide (Palm Sunday)

No blessing of the Palms may take place unless the Procession and Mass follow. But the blessing may be in another church, or in a suitable building, or even in the open air before a shrine or the processional cross and the Procession made thence to the church of the Mass.

It is recommended that a supply of blessed palms be kept in the sacristy for distribution to those who were not at the Procession.

Maundy Thursday

Normally there is only the one Mass of the Lord's Supper followed by the *repositio* of the Blessed Sacrament. The time at which that is permitted is between the hours of 4 p.m. and 9 p.m. The local Ordinary may for pastoral reasons permit in addition to that one or two low Masses in churches and public oratories and one low Mass in semi-public oratories during that time and the same also if the liturgy cannot be carried out even in the simple rite.² In all these Masses it is fitting that a brief address should be given on the mysteries of the day.

Good Friday

If on Maundy Thursday the removal of the Blessed Sacrament to the place of repose has taken place the liturgical action of Good Friday is of obligation in that same church.

¹ S.R.C., Feb. 1, 1957. A.A.S. XLIX, p. 92.

² loc. cit., p. 93.

The fitting hour for the liturgical action is 3 p.m. but for pastoral reasons it may take place any time after mid-day but not later than 9 p.m.

If a priest has charge of more than one parish the Ordinary may grant him permission to repeat these rites of Maundy Thursday, Good Friday and Holy Saturday but not in the same parish.

Holy Saturday

The fitting hour for the Paschal Vigil is such that it permits the Mass of the Vigil to begin about midnight. The Ordinary may for grave reasons give permission to hold it earlier, but he may not give a general permission for this to the whole diocese or region. The hour of beginning, however, should not be earlier than twilight or at least sunset.

The Easter Vigil may be celebrated in churches or oratories where the rites of Maundy Thursday and Good Friday have not been carried out.

Pastoral Note

Introducing the new order for Holy Week, the Sacred Congregation of Rites issued, on Nov. 16th, 1955, an Instruction in which the clergy were called upon to make the new order as fruitful as possible for the faithful. In the preceding Decree the Sacred Congregation had pointed out that in earliest times the hours of the services of the *Triduum Sacrum* had corresponded to the times at which the events commemorated had taken place, and that in the Middle Ages the services had been transferred to the morning. The result in our day was that very few of the faithful could be present at them, as schools, factories and business concerns were all functioning at the hours when the great commemorative ceremonies were taking place. These have not merely a singular dignity but they also possess what the Sacred Congregation calls a special and sacramental power of nourishing the Christian life. By restoring them to their original hours the Church aims at making these treasures of grace available to the great body of the faithful, and the Instruction aims at making their attendance as fruitful as possible. For this it is necessary that they should follow and under-

stand the rites themselves and enter into their spirit. The mind of the Church is that Holy Week should bring about a revival of the Christian Spirit culminating in the renewal of baptismal vows and a sense of spiritual rebirth and of new life with Christ in the joy of the Resurrection. So the faithful are to be assiduously instructed during Lent on the ceremonies themselves and the mysteries of our Redemption which they commemorate and as it were re-enact.

For Palm Sunday they should be exhorted to appear in their numbers to take part in the solemn Procession of Palms, thereby to render testimony to their love and gratitude to Christ the King. The Instruction adds at this point that the faithful should be urged to come to confession early in the week, especially where the custom prevails of coming in crowds at the end of Holy Week.

For Maundy Thursday the faithful should be instructed concerning the love with which Our Lord instituted the Eucharistic sacrament and sacrifice as the perpetual memorial of His Passion, and they should be exhorted to pay fitting adoration to the Blessed Sacrament after the Mass. This public adoration should be prolonged till midnight, when we begin to contemplate the Passion. As regards the place prepared for the reception of the Blessed Sacrament, it should be characterised by a certain austerity in conformity with the liturgy of these days.

Where the Washing of the Feet takes place the faithful should be instructed concerning the profound significance of this rite and exhorted to practise works of charity.

For Good Friday they should thoroughly understand the liturgical action itself in all its details; the Scripture lessons and prayers followed by the Passion of Our Lord solemnly chanted; the prayers for the needs of the Church and of the whole human race; the devout adoration of the cross, the instrument of our redemption; and, lastly, returning to the ancient practice of the Church, reception of the Body of Christ, delivered for us this day, in order thereby to gather more abundantly the fruits of our redemption.

For Holy Saturday again it is important that the faithful should be carefully instructed as to the meaning of all the

details of the sacred liturgy. Christ Our Lord, the "Light of the World", is represented by the paschal candle; in the *Exultet* we are reminded of the splendour of the night of the Resurrection; the baptismal water is blessed reminding us that being with Christ buried to the life of sin we rise again with Him to the "newness of life", faithfulness to which we testify by the renewal of our baptismal vows.

It is noted that if there are any to be baptised the preceding ceremonies, up to the recitation of the Creed, may be carried out in the morning.

SECTION 5. The Hour of Mass

1. Originally, Mass was said during the night or very early in the morning. Though private Masses were celebrated at any hour of the day, Solemn Mass was celebrated, after the Roman persecutions, at about 9 o'clock in the morning, except on fast days, when it was celebrated later, even as late as the evening during Lent. Some feasts were honoured by a Mass during the preceding night. From the sixteenth century, Mass was said between dawn and midday. The present discipline of the Church is embodied in the canons (c. 821), which now forbid Mass to be celebrated before one hour preceding dawn, and after one o'clock in the afternoon. It is clear that the canon is referring to the beginning of Mass, so that the former interpretation of the rubrics, which allowed twenty minutes anticipation and extension, has become obsolete. This prescription, however, regards the normal celebration of Mass, and does not prevent either anticipation or extension for sufficient reason.

The dawn is the time when a certain intensity of light begins, namely, when the sun, in its rising, has reached the eighteenth degree below the horizon. This time obviously varies for every country and for the different months in each country. For England and Wales, Mass may be begun in Spring at 2 a.m. ; in Summer at 1 a.m. ; in Autumn at 3.30 a.m. ; in Winter at 5 a.m. ; but these times are an average, since every month and every half of each month have their variations. Exact tables are found in most

Calendars of Masses. This prescribed time has to be observed under grave obligation, but so that an anticipation is more strictly forbidden than an extension ; it is considered a serious anticipation to finish Mass two hours before dawn, or to begin Mass two hours after midday—apart from special privilege or grave reason.

For the celebration of private Masses, any of the times (true solar, mean solar, legal, regional, etc.) to be explained presently,¹ may be adopted, but in the celebration of public Masses, the common usage of the place is to be maintained, for these Masses are for the convenience of the faithful. Where the sun does not set at all, or sets short of the eighteenth degree below the horizon, Mass may be begun at so-called midnight, the point of time twelve hours removed from the solar midday, that is, when the sun crosses the local meridian, but it may also be begun at the beginning of the civil or usual day, whenever that may be. When the sun does not rise above the horizon, Mass may be begun when the civil day begins, and this may be taken to mean when early risers begin the day's work.

2. There are a few exceptions officially allowed in respect of the time of Mass canonically prescribed.

(a) The first exception regards Christmas midnight Mass. This is permitted in the case only of a Conventual Mass, or a parochial Mass, and only one Mass may then be said, and may not be begun before midnight, reckoned in accordance with the common usage of the place. This parochial Mass need not be solemn. The exception does not, of course, include the permission to distribute Holy Communion, but this is allowed by another canon (cc. 846, 867). Where the local Ordinary has a good reason for forbidding Christmas midnight Mass, in consequence of abuses, possible irreverence, misconduct, he may do so, though he cannot permanently take away a privilege granted by common law, but he may suspend for a time the enjoyment of it for a good reason (c. 1261).

(b) Furthermore, exception is made in favour of religious and pious houses which have a chapel and the grant of

¹ *Infra*, vol. III, p. 212.

habitual reservation of the Blessed Sacrament therein. A religious house is one in which persons, under the vows of religion, live either habitually or for the time being. A pious house is one in which the inmates, not necessarily under vow, are professedly engaged in pious or charitable works, as orphanages, hospitals, seminaries, Catholic schools, episcopal residences. Under the term are included prisons and penitentiaries, for the office of Chaplain gives that sufficient character of piety to those places.

In respect of religious houses, if Mass is celebrated in their semi-public or public oratories, it must be with closed doors, and the privilege is not extended to the public churches of religious, without prejudice, however, to privileges of Religious.¹ If a religious house has no oratory but only a church attached, the three midnight Christmas Masses may be said there with closed doors. It may even be held that in a church attached to a religious house, this Mass may be said if only a select body of the faithful are admitted and the doors are closed during the celebration of Mass. Permission is given by the canons for one priest, and only one, to celebrate in these religious or pious houses one Mass or three Masses but not two, and these Masses are to be the ritual Masses as set forth in order in the Missal for Christmas day. A further privilege is granted by the canons to the effect that this midnight Mass will suffice for the fulfilment of the precept of hearing Mass on Christmas day, and the celebrating priest may administer Communion to the faithful present.

(c) A third exception has been made in favour of Eucharistic Congresses if the Blessed Sacrament is exposed all night. In these cases, one Mass may be said at midnight, at which Holy Communion may be given. Priests who are present at the Adoration may say Mass after the midnight Mass, or at 1 a.m., and may recite the Office of the Blessed Sacrament instead of their ordinary office.²

Moreover, the Sacred Congregation of the Discipline of the Sacraments can give permission on the occasion of a

¹ S.O., Nov. 26, 1908 ; A.A.S., 1909, p. 146.

² cf. *Litt. Apost.*, A.A.S., 1924, p. 154.

triduum of devotion in honour of the Blessed Sacrament for Mass to begin at 12.30 a.m.¹

(d) There are certain reasons which excuse a priest from observing the times for saying Mass. They are the following:

(i) When Viaticum has to be consecrated and administered, Mass may then be said at any hour.

(ii) Reasonable custom, for the benefit of a section of the faithful, as working people who desire a very early Mass. A Mass at 5 a.m. used to be customary in some places in England all the year round for the sake of factory workers.

(iii) On occasions of special sermons, intercessions, ordinations, notable marriages and funerals.

(iv) When a priest must make an early start on a journey.

(v) By permission of the local Ordinary for evening Mass granted in virtue of the *Motu Proprio* of Mar. 19, 1957. See p. 212.

SECTION 6. Interruption of Mass

1. It is not permitted to discontinue Mass immediately after the first Consecration, nor after both Consecrations before Communion, except in imminent danger of death or to preserve the Blessed Sacrament from profanation. If Mass must be discontinued after the first Consecration, the Sacred Host must be consumed or, if possible, taken away to some safe place together with the chalice to be subsequently consecrated.

2. Mass may be interrupted :

(a) Before the Gospel for any slight reasonable cause.

(b) After the Gospel, for the sermon, publications of banns of marriage, notices, an incoming pilgrimage or procession.

(c) Immediately before the Offertory for a good reason, as for incoming pilgrims, who would otherwise miss Mass on a day of obligation, or a general Communion, for a State official if of high rank, and for a bishop. The people should be told the reason for the interruption and Mass should be begun again.

(d) After the Offertory and before the Canon for a graver

¹ Resp. Romana et aliarum, A.A.S., 1925, p. 100.

reason, as when the celebrant remembers that he has violated the fast or is in mortal sin or excommunicated, but not if grave scandal would ensue ; also if an excommunicated person (*vitandus*) enters the church and cannot be expelled.

(e) After the Canon is begun and before the Consecration for a still graver reason, as, for example, if the celebrant becomes suddenly ill, or if Baptism or absolution is to be given to the dying. On his return, the celebrant continues the Mass if the interval of his absence was not more than an hour. If it was over an hour, he must begin Mass again, taking new matter for the Offertory, and consume the former matter after the first ablution.

(f) After the Consecration, for a similarly grave reason, as if the celebrant is taken ill, if a dying person is to be baptized or absolved or given Extreme Unction in case the person cannot receive the Sacrament of Penance—a very unlikely contingency, but possible if the person is unconscious. In such an emergency, the Sacred Host and chalice should be placed in the tabernacle during the interval, and on his return, the celebrant must continue where he left off.

(g) After the Communion of the celebrant an interruption may be made to give a short address to those about to make their first Communion or mission Communion, or to receive the vows or renovation of vows of Religious, or to give Holy Communion to the sick, provided the priest does not lose sight of the altar (c. 868).

3. To interrupt Mass notably without reason after the Offertory is a grave sin ; still more so, after the Canon is begun. If the interruption is very brief and not necessary, the sin is venial. To interrupt it notably before the Offertory or after the Communion without reason is a grave sin ; to interrupt it then for a brief interval is a venial sin.

4. If the celebrant must discontinue Mass before reaching the Consecration or after his Communion, nothing further need be done. If he has consecrated either or both species, the Mass must be continued by another priest even if not fasting, or excommunicate, or suspended, or irregular. This is a grave obligation. The latter priest must continue

where the first priest left off, and if the first priest can communicate, part of the Sacred Host must be given to him in Communion. The interval elapsing between the two parts of such a Mass may be of any duration. If the first priest recover and is able to continue the Mass where he left off, he must do so in preference to any other priest, the interval not being more than an hour; but it is obvious that if his illness is serious and he is not likely to recover under an hour or so, another priest may then conclude the Mass. Normally, the priest who has concluded the Mass may not himself celebrate another Mass on that day, always excepting days when he is allowed to say more than one Mass, and provided he has not taken the ablutions, though this limitation is subject to the rules already laid down for saying a second Mass in such circumstances.¹ If the interruption has taken place in the Mass of the Presanctified on Good Friday, the deacon, if a priest and fasting, must continue the ceremony ; if he is not a priest, or if he has broken the fast, he may not continue, but should place the Sacred Host in a tabernacle.

SECTION 7. The Tone of Voice employed in Mass

1. The Rubrics of the Missal sufficiently indicate when the voice is to be silent, when it is to be low, when loud. Those parts of the Mass which are to be said secretly must be so said that the priest may hear what he says, but should not be heard by the assistants. The Rubrics of the Missal mention several kinds of tonal voice. Some authors maintain that there are only two kinds of voice, namely, the whisper and the vocalized, and that the vocalized must always be of the same tone. There are indeed only two kinds of voice, the one that is softly vocalized in a broad sense at the teeth and lips as a sibilant, and this is merely a whisper, and may be loud or almost inaudible ; the other, that which is strictly vocalized at the vocal chords and this is always vocal. But as there are degrees in whispering, so are there in vocalized tone. A vocalized tone may be

¹ *Supra*, vol. III, p. 102.

loud, moderate or low. The Rubrics appear to make a distinction between these kinds of tone, and if it is admitted that vocalized tone may vary in degree, the Rubrics of the Missal are quite intelligible when they speak of *voce clara*, *voce aliquantulum elata*, *voce intelligibili*, *voce paululum elevata*.

2. It would be a venial sin to say secretly what has to be said in a clear tone, unless there was a good reason for doing so, but the clear tone may be moderated short of a whisper for any sufficient reason, and indeed it should be moderated when other priests are saying Mass close at hand. Similarly, it is venially sinful to recite aloud what should be recited secretly unless some sufficient cause justifies this, such as the partial deafness of a priest, the presence of noise in the church, the playing of the organ, or the singing of the choir. It might be a scandal to the congregation to hear the words of the Canon or of the Consecration said in a very loud voice.

To pronounce the words of Consecration in such a way that the celebrant could not hear himself speaking, apart from deafness, would be seriously sinful owing to the risk of error in the form of words. In all other prayers to be said in a clear voice, to use a subdued tone would not be gravely sinful but a venial sin would be committed, since the Rubrics bind under sin in so important a matter as the right saying of Mass.

SECTION 8. The Kind of Mass

To substitute for the Mass prescribed in the Calendar another Mass at choice would normally be a venial sin, but if great scandal arose or there was contempt or serious negligence, the sin would be a grave one. It would be no sin if the celebrant had a reasonable excuse for the change and if there was no scandal. But to make such substitutions frequently would connote contempt of the Rubrics, and would be a grievous sin unless, as stated, there was a serious reason for thus acting. Furthermore, to substitute a requiem Mass for the Mass to be said on solemn feast days, such as Christmas, Easter, Pentecost, and to do so without

a grave reason, could not fail to be a grave disregard of the Rubrics, even if no scandal was given.

SECTION 9. The Calendar to be followed in saying Mass

A priest who says Mass in a church or oratory, public or semi-public, other than his own, on days when votive and requiem Masses are not allowed, must conform to the local office, and may not follow his own, without prejudice, however, to the privileged position accorded by the Rubrics to a greater feria and common vigil.¹ On other days he may celebrate Mass in accordance with the local, or his own, Calendar, but in festive rite.

Masses celebrated in the principal chapels of bishops, seminaries, colleges, Pious Communities, hospitals and prisons, must be celebrated in accordance with the local Calendar. In celebrating Mass in private oratories and in the secondary oratories of Pious Communities the priest rightly follows his own Calendar.

The Calendar or Ordo to be followed on shipboard when there is no fixed chapel is the Calendar of the celebrant. If there is a permanent chapel on board, the celebrant should say the Mass assigned in the Calendar of the Universal Church.² A fixed chapel on board is a public oratory; a chapel that is not fixed is neither public nor private; it is a portable altar.³

SECTION 10. The Duration of Mass

The time to be taken in celebrating a private Mass of normal length should never be as brief as a quarter of an hour; if it is a public read Mass it should not exceed half an hour, in addition to the time taken by sermon and notices. But as Mass should be celebrated with great devotion, it would seem impossible to say it in much less than half an hour. Undue haste, without good reason, is venially

¹ *Rubr. Miss., Add. et Var., tit. i, n. 2.* On a feast below classical rite, on which is commemorated a Lenten or Q.T. feria or a common vigil, the Mass may be that of the feria or the vigil.

² S.R.C., June 13, 1950.

³ S.R.C., 4069 ad V.

sinful, and would be seriously sinful if there were grave irreverence or great scandal.

Notes on Music ¹

1. The canons (c. 1264) lay down general principles in regard to the style of music to be employed at liturgical services. All that savours of the lascivious or the sensual in the instrumental or the vocal music must be entirely banished from churches, and the liturgical laws in regard to music must be observed.

2. Lascivious and sensual music is, of course, hard to define but easy to recognize. All dance music and such music as may be heard played normally by orchestras in concert rooms, as also jazz and highly syncopated music, certainly come within the prohibition. The music that was sung in most churches in this country up to about 1900—much of it is still sung—was music of Lutheran and Protestant origin. The music commonly sung by mixed choirs was an imitation of secular music. The great founders of this ecclesiastical music—if the phrase is not a contradiction in terms—were John Sebastian Bach, Haydn and Mozart. The music of the first named may be conceded to be of a more or less sacred character, though not by any means liturgical; the music of the other two is neither sacred nor liturgical.

3. The liturgical laws are embodied in the *Motu Proprio* of Pope Pius X (Nov. 22, 1903) and the *Apostolic Constitution* of Pope Pius XI (1928). The chant joined to instrumental music is not at all held by the Church as the most perfect form of music or that best adapted to holy things; for it is fitting that the voice itself, more than the instruments, should resound in the sacred places. No instrument, however excellent, can surpass the human voice in the expression of sentiments in addressing to God prayers and praises. The Gregorian chant ought to be brought back to usage among the people, at least in all that applies to them. It is absolutely necessary that the faithful should not conduct themselves as strangers or mute spectators. Further-

¹ cf. *Downside Review*, Jan., 1932, on *The Music of the Roman Rite*, being a review of *The Music of the Roman Rite* by Sir Richard Terry.

more, Pope Pius XI, in his Apostolic Constitution (1931) on Universities and Faculties of Ecclesiastical Studies, lays down minute instructions as to the education of the students in such places in liturgical chant.

While insisting on a return to the ancient chant of the Church, the Popes do not exclude all modern compositions, provided they are in harmony with the spirit of the liturgy. Classical polyphony is, however, to be preferred, and the model of all polyphonic music is that of the Roman school, which, in the sixteenth century, reached perfection in the work of Palestrina. But the Gregorian chant is the special chant of the Church and must be assiduously encouraged, as the clergy wish to follow and obey the prescriptions of successive Popes.

The organ may accompany, so as to support the liturgical chants of the choir ; but it must not dominate the chant. Other instruments may be permitted by the local Ordinary, to the exclusion, however, of loud and strident instruments.¹

The electric organ may be permitted by local Ordinaries after consultation with the Diocesan council: S.C.R., July 13, 1949.

The Sacred Congregation of Seminaries, etc., issued the following instructions on music (Aug. 15, 1949):

1. Sacred music is to be reckoned one of the necessary subjects, and is to be taught from the first year of humanities to the conclusion of theology.
2. The times assigned to it must be in accordance with the Apostolic Constitution *Divini Cultus*, nn. 1, 2, and included in the general curriculum.
3. During the autumn holidays a longer time is to be spent in practical exercises.
4. An annual examination is to be held in this subject like that in others.
5. A competent music master is to be appointed for each seminary, and he is to be co-opted to the college of professors.

¹ cf. Instruction on Gregorian Chant and Sacred Music by the Sacred Congregation of the Council, Feb. 25, 1932 ; A.A.S., 1932, translated by Woywod in *Canonical Decisions of the Holy See*, Appendix xviii.

CHAPTER VII

THE PLACE OF CELEBRATION AND RESERVATION

(cc. 822-823)

SECTION 1. The Place of Celebration

IN general, Mass must always be celebrated on a consecrated altar and in a church or oratory, consecrated or blessed in accordance with law (c. 822) ; it may be said in a domestic or semi-public oratory, but such places must be reserved for divine worship alone (c. 1196).

A church is a sacred building dedicated to divine worship, primarily that it may serve any of the faithful for the exercise of public acts of worship (c. 1161). Such a place may not be built without the express written approval of the local Ordinary (c. 1162). This approval is also necessary when Religious Communities settle, with leave, in a diocese, and in this case, the local Ordinary may lay down restrictions if not contrary to common law.

The local Ordinary has the right of laying the foundation stone and of blessing the sacred edifice, unless the church belongs to an exempt clerical Order, in which case the major Superior has this right. Either may delegate another priest to act in his stead (c. 1156) ; the consecration, however, of a sacred edifice, church or oratory, is the right of the Ordinary of the place, provided he have episcopal ordination (c. 1155).

Secular objects may not be stored and kept in a cellar beneath the floor of the church nor above it, nor may such places be put to secular uses (c. 1164). The form of the sacred edifice must be in accordance with Christian tradition and the laws of sacred art. Consequently, a committee of expert advisers is desirable and, if it is necessary, they must be consulted.

There may be no exit from the church into a secular house, nor any window looking into a secular house.

No divine worship may be held in a new church before

it has been either solemnly consecrated or blessed. The local Ordinary could, however, grant permission for temporary Masses (c. 82). Solemn consecration is to be bestowed on cathedral churches and, if possible, collegiate, conventual and parochial churches, but no consecration may be given to churches of wood or metal, though they can be blessed (c. 1165). The altar of a church can be consecrated, though the church is not consecrated.

An oratory is a sacred edifice dedicated to divine worship, not erected, however, primarily for the religious exercises of the faithful in general. A public oratory is erected for the use of some college or of individuals, but so that the faithful generally may have the right, if legitimately approved, of being present at least during divine services. It is erected only with the express consent of the bishop of the place. A semi-public oratory is erected for the use of a community or part of the faithful, but so that there is no right to general free access to it. A private or domestic oratory is one that is erected in a private house for the use of a family or of an individual. Mortuary chapels erected by families or by individuals for burial are private oratories.

Semi-public oratories may not be established without the permission of the Ordinary, a term which includes the major Superior of an exempt clerical Order. A semi-public oratory may be consecrated or solemnly blessed; it is permitted to bless it with the ordinary blessing for places and houses, but this blessing is not necessary (c. 1196). Such oratories must be reserved for divine worship. There should be no sleeping room immediately above these oratories, but if there is, then permission may be given for Mass, provided there is a baldachino or canopy over the altar or a double ceiling, as expressly prescribed.¹ There is not the same objection, as in the case of churches, to having store-rooms underneath an oratory, nor common objects of use or furniture above.

A private or domestic oratory for Mass cannot be erected without Apostolic indult. If erected, it may be blessed

¹ D.A., 2812, 3525.

by a priest, but blessing is not necessary. The indult grants permission for celebrating one Mass only each day, but not usually on the solemn feast days of the Church.¹

In the case of mortuary chapels, the local Ordinary may grant permission for the celebration of several Masses ; in the case of other domestic oratories, the local Ordinary and major Superior in a clerical exempt Order may grant permission occasionally for one Mass to be said therein. Occasional permission may extend to eight or ten days, and may then be renewed, but for more than occasional need an Apostolic indult is required. The Ordinary may also give occasional permission for Mass there on the greater feasts.

2. The privilege of celebrating Mass on a portable altar, namely, a detached altar stone which may be taken from place to place, is granted either by law or by Apostolic indult (c. 822). This portable altar may be used in any becoming place, such as would befit the Holy Sacrifice, though not necessarily excluding all domestic and secular uses during the rest of the day. The law imparts this privilege to Cardinals, bishops, Vicars Apostolic, Prefects Apostolic, certain abbots and prelates, Apostolic Administrators, certain Protonotaries, Auditors of the Rota. Bishops may delegate a priest to celebrate for their convenience on such an altar ; those present would fulfil their obligation of hearing Mass. The privilege may be personally granted to priests, and is regularly granted to Missionaries. It is granted to lay persons, so that they may lawfully secure the services of a priest to say Mass at such an altar, to be celebrated, however, in the presence of the privileged person or persons, in accordance with the terms of the indult. This privilege is more easily granted when a room can be set aside for the sole purpose of the celebration of Mass. The local Ordinary, and in the case of an exempt religious house, the major Superior, may grant the faculty of celebrating Mass outside church and oratory on the portable altar in a becoming place, but not in a sleeping room without permission.

¹ One who has a private oratory is exhorted to gather the family together in the evenings, to recite the rosary and other prayers to God: S.C. de Sacr., Oct. 1, 1949. The Ordinary may forbid Mass in a private oratory if the priest is needed for Mass in the church.

3. Mass may be celebrated sometimes outside church or oratory. In certain emergencies, with the permission, if possible, of the local Ordinary, Mass may be celebrated in the open, as v.g., in a tent, a street, a square, a field, on a hill, for a sufficient reason and for the benefit, not of a few, but of a large body of the faithful, if they could not otherwise hear Mass on a day of precept. Cases would arise if, v.g., a church was destroyed, or the church could not contain the multitude, or in times of war. The permission of the Ordinary may be presumed in accordance with the teaching of Pope Benedict XIV.¹

4. Mass may not be celebrated on shipboard at sea without Apostolic indult, or privilege of law, granted to Cardinals and bishops (cc. 822, 239, 349). An indult granted lays down the conditions that the sea should be tranquil, that there should be no danger of irreverence, and that the place should be decent and decorous.²

By decree of the Holy Office, May 31, 1953,³ the local Ordinary of the port at which a ship is habitually stationed may grant permission, in favour of those who belong (*addicuntur*) to the ship, for evening Mass during the voyages.

5. It is not permitted to celebrate Mass in an heretical or schismatic church, even though the church had been originally duly consecrated or blessed (c. 823). The Church has occasionally tolerated the celebration of Mass in churches which are used by Catholics and non-Catholics in turn. A priest may celebrate Mass on a consecrated altar of any Catholic rite different from his own, if he have no altar of his own proper rite, but never on the *antimensium* of the Greeks.⁴ This substitute for an altar stone is an oblong piece of linen or silk (10 by 14 inches), similar to the Latin corporal, into which are sewn relics of the Saints, and on which are represented the instruments of the Sacred Passion. No one may celebrate on a papal altar without Apostolic indult (c. 823). These are the main altars of the greater Roman basilicas, and a few outside Rome.

¹ Quoted by Cappello, I, n. 752, to the effect that the law of the Church in this case is patient of certain qualifications; cf., *Sacrif. Missæ*, III, 6, 7.

² Mass in an aeroplane is not authorized.

³ A.A.S., XLV, p. 426.

⁴ Pope Benedict XIV, Const. *Allata*, July 26, 1755.

SECTION 2. The Altar of Celebration

1. Mass is to be celebrated on a consecrated altar. A fixed altar is composed of a table of substantial stone in one piece, resting on a base of stone or stone columns. The table and base form one compact structure and are consecrated as a whole. A portable or movable altar, commonly called an altar stone, is a square or rectangular stone, usually small, but large enough to hold the Host and the foot of the chalice or the greater part of it. The stone is consecrated and set into a base or table of stone or wood. The High Altar has at least three steps, predella included.

A consecrated church must have at least one fixed altar, preferably the High Altar. In blessed churches all the altars may be movable. All altars, fixed and movable, must consist of a single material stone, complete and not friable. The risk attendant on using friable stone is that one of the corners may be broken off or the corner crosses may flake off. The fixed altar should extend the whole length of the base and be firmly fixed to it ; the base should be stone, or at least have stone sides or stone columns supporting the table, lest the table itself should break or crack on account of its weight. Both fixed and movable altars must contain a cavity or sepulchre hollowed out at the centre, in which relics of Saints or of one Martyr are enclosed. The sepulchre of a fixed altar may be on the anterior edge of the table. A stone fixed with blessed cement closes the sepulchre.

2. A fixed altar loses its consecration if the upper table is separated, even momentarily, from its support, and must be re-consecrated before Mass is celebrated on it again. The re-consecration may be done by a priest with delegation from the Ordinary and in accordance with a short form.¹

Both the fixed and movable altars lose their consecration :

(a) If a substantial fracture takes place in them. This fracture may be substantial either by reason of quantity, that is, if a large portion is broken off so that the remnant cannot hold the larger part of the foot of the chalice and

¹ S.R.C., Sept. 9, 1920 ; A.A.S., 1920, p. 450.

the paten, or if a crack appears down the centre of the stone ; or by reason of the place of fracture, as when a corner with its cross is broken off, or the centre is cracked.

(b) If the relics are removed, or if the covering stone of the sepulchre is fractured or removed, except in the case when the bishop or his delegate removes the covering stone to set it again more firmly, or to repair it, or to substitute another, or to inspect the relics. A slight fracture of the covering stone does not destroy the altar's consecration, and the fracture may be mended by a priest, without, however, removing the stone from its position. When a church loses its consecration the altars do not necessarily lose their consecration, and vice-versa.

3. The altars, fixed or movable, must be reserved for the divine offices alone, especially for the celebration of Mass, to the absolute exclusion of every secular usage. It is forbidden to bury bodies beneath the altar, though not in the floor of the crypt beneath the altar, or nearer to the altar than about one metre. If it should be seriously inconvenient to exhume a body under or near the altar, recourse should be had to the Sacred Congregation of Rites.

SECTION 3. The Privileged Altar¹

1. A privileged altar is so called because the Mass celebrated at such an altar is enriched with a plenary indulgence applicable by the celebrant to the Soul in Purgatory for whom the Mass is offered. If regard be had to the mind of the Holy Father and the use of the power of the keys, its efficacy is such that it would deliver a Soul from Purgatory at once ; but if regard be had to the actual effect of the Mass, the indulgence is to be understood according to the measure corresponding with the acceptance and pleasure of the Divine Mercy. The effect of such plenary indulgence is not infallible, for God is not bound to accept the payment of the debt.

2. The indulgence annexed to the Mass celebrated at a privileged altar must be applied to the particular soul or

¹ For the use of liturgical articles in I.E.R. from 1935, the author thanks the editor and Rev. E. Long, D.C.L., the writer of them.

one of the souls for whom the Mass is offered,¹ and the privilege cannot be applied to the several souls for whom the Mass may be offered.² In the Jubilee granted in 1929, the personal privilege of a privileged altar was given to all priests during the year, and that independently of the application of the Mass.

3. The privilege may be real, i.e., attached to an altar, or personal, i.e., granted to an individual priest wherever he celebrates Mass.

That an altar may be privileged, it must be fixed at least in a broad sense, that is, the altar stone must be fixed in an immovable structure. This is not the meaning of a fixed altar in the liturgical sense. The altar need not be consecrated. It is the altar itself, not the altar stone that has the privilege attached and it must be dedicated to some Saint or mystery. The privilege persists even if the altar stone is changed and even if the altar is destroyed, provided that it be erected within fifty years with the same dedication and in the same church, or if the latter has been destroyed, in another church built in the same place.

The privilege may be temporary, i.e., granted for a restricted time, or perpetual. It may be available every day or only on certain days. The celebrant who applies Mass to a Soul in Purgatory, whether by real or by personal privilege, is not debarred from applying another plenary indulgence either to himself or to a Soul in Purgatory by reason of his Communion, if, as is often the case, he can gain such indulgence by receiving Holy Communion. A privileged altar may be enriched with a plenary indulgence for the living as well as for the dead. It is not necessary to celebrate a requiem Mass at a privileged altar when it is desired to apply the indulgence to a Soul in Purgatory, but it is befitting to do so.

4. Bishops, abbots and prelates *nullius*, Vicars and Prefects Apostolic, major Superiors of a clerical exempt Institute, have the faculty of designating and declaring an altar that shall be daily privileged in perpetuity, provided

¹ S.C. Indulg., Feb., 1864.

² S. Pœnit., July 6, 1917.

there is not an altar already privileged, in the cathedral, abbatial, collegiate, conventual, parochial, quasi-parochial churches respectively, but not in public or semi-public oratories unless they are united to a parochial church or are succursal chapels of the parish. By Apostolic indult, religious Superiors may assign a privileged altar in public or even semi-public oratories in accordance with the terms of the indult. A privileged altar should always be indicated by the words : *Altare privilegiatum*.

5. On All Souls' Day all altars are privileged, the indulgence being applicable to one only of the Souls in Purgatory. Similarly, during *Quarant' Ore* all the altars in the church where the devotion is held are privileged. Those priests who take the heroic act enjoy the daily personal privilege of deriving a plenary indulgence from their Masses, and those who are members of the Pious Union of the death of S. Joseph enjoy the favour of a privileged altar on behalf of those in their agony. It is commonly held that the priest can gain the plenary indulgence for a Soul in Purgatory by saying Mass at a privileged altar though he is not in the state of grace.

6. Though no one can acquire an indulgence and apply it to the living (c. 930), nevertheless the Holy Office stated that the concession of the indulgence of a privileged altar on behalf of the dying remains good, the indulgence is applied by way of absolution, and the celebrating priest may say the one Mass for several dying persons, without applying the indulgence to one person in particular.¹

The concession that was made to certain pious associations of granting to priest members the indult of the personally privileged altar has been withdrawn.²

SECTION 4. The Gregorian Altar and Masses

The altar of S. Gregory in the Church on the Caelian Hill, Rome, is a privileged altar. Other altars were accorded the same privilege, and the Masses said at such altars were called Gregorian. The Holy Office quite definitely stated³

¹ Nov. 9, 1922. ² S. Pœnit., March 20, 1933 (cf. *infra*, vol. III, p. 434)

³ Dec. 12, 1912 : A.A.S., 1913, p. 33, ad VII, IX.

that no further concessions would be granted and that past grants of a personal Gregorian altar were hereafter to be considered as the grant of a personal privileged altar.

The Gregorian Masses are a set of thirty Masses celebrated at any altar for thirty consecutive days for the soul of one departed. The Masses are believed to have a special efficacy through the intercession of S. Gregory. That Saint, after the death of a certain monk of his monastery, ordered thirty consecutive Masses to be said for his soul, and on the completion of the Masses, the soul of the departed monk appeared to one of the brethren and declared that he had been delivered from Purgatory in virtue of the Masses celebrated. The Church does not condemn this belief; indeed, the Congregation of Indulgences has declared it to be a pious and reasonable opinion.¹ The thirty Gregorian Masses as indicated, if undertaken, must be said on thirty consecutive days by the priest who undertakes the obligation or his substitute. Only one Mass may be said on one and the same day. There is no obligation to celebrate requiem Masses. The series may be legitimately interrupted by the last three days of Holy Week. If the series is unavoidably or inadvertently interrupted at any other time, if the giver of the stipends cannot be asked for condonation—and it should not, we believe, be presumed—application should be made to the Holy See for condonation. This appears to be the most reasonable of several opinions on the matter discussed by theologians.

SECTION 5. The Place of Reservation of the Blessed Sacrament

1. In order that the Blessed Sacrament may be legitimately reserved in a church or oratory two conditions are required, namely, that Mass is regularly celebrated therein at the least once a week, and that there should be a responsible person near the place day and night.² The canons lay down rules for the obligatory and for the permissive reservation of the Sacrament.

2. The Blessed Sacrament must be reserved in the

¹ S.C. Indulg., March, 1884.

² S.C. de Sacr., May 26, 1938.

cathedral church, in the principal church of an abbey or prelate *nullius*, of a vicariate and prefecture apostolic, in all parochial and quasi-parochial churches, and in the church attached to an exempt Institute, whether of men or women. The religious house must have been canonically instituted. Some nuns, not now exempt, have retained their former privilege.

3. The Blessed Sacrament may be reserved, with the permission of the local Ordinary, in collegiate churches, in the principal oratory, public or semi-public, of a pious house, such as one devoted to pious works, and of every religious house, whether its members take public vows or not, and in the principal oratory of an ecclesiastical college, ruled by secular clerics or Religious, such as a seminary. Apart from the above, an Apostolic indult is required for reservation of the Blessed Sacrament, but the local Ordinary can grant permission for reservation in other churches or public oratories, but only for a good reason and as a temporary concession.

It is not permitted that an individual should retain the Blessed Sacrament in his private possession or carry It on a journey. Not even in times of war is it permitted, nor on missionary journeys.

4. Churches, especially those that are parochial, in which the Blessed Sacrament is reserved, must be open to the faithful for at least some hours each day. Where there is danger of desecration from non-Catholics, the church is either closed during the day and open only in the evening, or a grating is fixed across the narthex of the church.

5. In a religious or pious house, the Blessed Sacrament may not be reserved except in the church or the principal oratory, nor, in the case of nuns, within the choir or enclosure. But when the religious or pious house has a public church and the community uses it for the ordinary exercises of piety, the Blessed Sacrament may be reserved there only. If, however, the religious exercises are habitually performed in some other oratory, the Blessed Sacrament may be reserved there also without prejudice to reservation in the church if it has that right. Where, under the same

roof or in the same building, two distinct and separate communities, being formally distinct religious or pious houses, live their separate lives, each may have its oratory with the Blessed Sacrament reserved.¹ This is true in the case of intern colleges for the education of boys or girls. Whether or not it is true in the case of novices is disputed.

To reserve the Blessed Sacrament without due permission for a length of time would be a grievous violation of precept in a serious matter, though a very good reason would justify such reservation, and reservation without sufficient cause for a day or two would not, it seems, be a serious sin.

SECTION 6. The Altar of Reservation

The most Holy Eucharist may not be reserved continuously or habitually except at one altar in a church. This prescription does not prevent temporary reservation, for a good reason, as for a general communion of a Sodality, or a triduum or novena, at a second altar. Furthermore, where there is perpetual adoration of the Blessed Sacrament at the High Altar, the Blessed Sacrament must be reserved at another altar for the communion of the faithful, since Holy Communion may not be administered at an altar where the Blessed Sacrament is exposed. Neither the celebration of Mass nor the administration of Holy Communion is permitted at the altar where the Blessed Sacrament is exposed.² The Congregation of Rites referred back to a decree³ in which it had forbidden the administration of Holy Communion at the altar of Exposition in churches which had an altar other than that of Exposition. Furthermore, the same Congregation replied⁴ that the local Ordinary could not tolerate the custom of celebrating Low Masses or sung Masses before the Blessed Sacrament exposed but veiled, or before the ciborium placed inside the opened tabernacle or outside of it. On a previous occasion,⁵ indeed, the same Congregation had given a reply to the effect that the custom of celebrating Mass at the altar of Exposition

¹ P.C.C.J., June, 1918.

² Without necessity, or a grave reason, or a special indult (S.R.C., Apr. 17, 1919); but the Mass of Deposition of the *Quarant' Ore* may be said.

³ D.A., 3448.

⁴ July 27, 1927.

⁵ May 22, 1883.

should not be abolished if it was of immemorial duration, or if the faithful should be grieved at the suppression of the custom.

The Blessed Sacrament is to be reserved in the most honourable and excellent place in the church, and regularly at the High Altar, unless veneration and worship of the Sacrament is better secured otherwise, as it might be at a side altar, better placed and more richly adorned. Always, however, the Sacrament is reserved from Maundy Thursday till Good Friday morning in a sepulchre, as it is called, and then the Host in the chalice is alone reserved in the church. Another place must be assigned for reservation of Hosts for the sick, but if that is impossible, they may be placed in the sepulchre. It is not reserved in the church on Good Friday after the Mass of the Presanctified.

In cathedral, collegiate and conventual churches, where the office is sung, it is preferable, though not of obligation, that the Blessed Sacrament should not be reserved at the High Altar but at some other altar.

For the greater piety and devotion of the faithful, as well as for reverence for the Sacrament, the altar at which It is reserved should be conspicuously adorned, so that it may at once be evident to the faithful where the Sacrament is reserved. Devotion to the Saints should never be encouraged at the expense of devotion to our Lord in the Sacrament, but it is inevitable in some places that the votive offerings placed at a statue or shrine should give an appearance of great splendour. In such cases it is the duty of the Rector of the church not to allow any incongruous and disproportionate devotion to the Saints to exclude in any way the supreme devotion to the Blessed Sacrament.

SECTION 7. The Tabernacle

The custody of the Blessed Sacrament is to be ruled according to an Instruction of the Sacred Congregation of the Sacraments (May 26, 1938). The chief points are as follows :

1. The most suitable tabernacle would be one that is an iron box, firmly fixed to the lowest gradine or opposite wall,

encased in marble and decorated, or it should be let into a tabernacle already existing.

2. A cleric must be responsible for the key and must reside near the church day and night.

3. The parish priest or Rector should visit the church now and then during the day, and entrust the duty of vigilance to reliable persons of the neighbourhood and arrange for visits to the Blessed Sacrament.

4. Special watch must be kept on workmen and others who frequent the church, sacristy, presbytery, or house of the custodian.

5. The doors of the church should be strong and opened only from the inside ; the windows should be fitted with bars ; the church examined before being locked up. It is suggested that electric bells be fitted so as to ring when the door is opened, or the tabernacle, altar, etc., touched ; or the whole church lit up.

6. During the night the Blessed Sacrament should be specially safeguarded by removal, if necessary, to a safe place.

7. Sacred vessels of considerable value should not, as far as possible, be left in the tabernacle.

8. The key of the tabernacle may never be left on the table of the altar, or in the keyhole of the tabernacle. It must be kept by the Rector of the church at his house, or always carried by him, or kept in the sacristy, enclosed in a safe and secret place, locked by a second key, to be safeguarded, as stated above by the Rector. In the event of the Rector's absence, he must entrust the key to another priest. If it is kept under a second key in the sacristy, this may be entrusted to the sacristan during the Rector's absence.

9. In convents of nuns, the key may be kept in the sacristy, not within the precincts of choir or monastery, and after the sacred functions are completed, locked in a strong place under two keys of different patterns, one to be kept by the Superioress, the other by the sacristan.

10. In the case of oratories of seminaries, church colleges, educational institutes, hospitals, etc., the key must be kept by the Rector or Superior, if he be a priest, otherwise by the chaplain.

11. The tabernacle key of a private oratory is kept in the sacristy under the care of the private family, but the Bishop may entrust it to the priest who celebrates Mass there, or to the parish priest.

Other prescriptions laid down by various decrees are that the tabernacle should be covered with a curtain, at least in front, even if the door is made of precious metal and adorned with precious stones. The colour may always be white or cloth of gold, though the colour corresponding with the office of the day is preferable, but purple is to be substituted for black. Nothing but the Blessed Sacrament may be kept in the tabernacle, or in front of it.

12. For Quarant' Ore and for every long Benediction (not for a simple or for a ciborium one), a throne for the Blessed Sacrament is required unless the altar is surmounted with a baldachino. A stand on the altar table to serve as a throne is not correct. The throne may be constructed in the reredos if the latter can be regarded as part of the altar structure.

13. In the sanctuary there must be a predella or footpace, on which the priest stands during the celebration of Mass after reciting the *Judica*. Its material may be of stone or wood. The steps up to the predella should be uneven in number, preferably three, neither steep nor narrow. The altar should be so elevated that the people may see the actions of the celebrant.

SECTION 8. The Ciborium

Consecrated particles must be reserved in a ciborium made of solid and decent material. They may not be kept on a corporal in the tabernacle. No special material is prescribed for the ciborium, nor need the interior be gilded, though it is highly becoming that the ciborium should be made at least of silver and have its interior gilded. It is held that iron, lead, stone, ivory, wood, papier mâché, glass are unbecoming. The latter material was forbidden.¹ Aluminium is sometimes used, but as it is light, its foot should be weighted, and its interior gilded if conveniently possible.

¹ S.R.C., 1880.

The ciborium must be kept scrupulously clean, since the sacred hosts come into contact with the metal, but a cloth or corporal may not be placed inside the cup. The lid of the ciborium must be metal and covered with a veil of white silk, decorated if possible. The ciborium need not be consecrated, but probably it should be blessed.

SECTION 9. The Sanctuary Lamp

Before the tabernacle in which the Blessed Sacrament is reserved, at least one lamp must burn day and night. The flame must be fed with olive oil or beeswax. In view of the expense involved Ordinaries are empowered (S.C.R., Aug. 18, 1949) to allow the use of other oils, vegetable if possible, and in the last resort even of electric light.¹ It is commonly held that it would be a serious sin to allow the light to fail for twenty-four hours or for several nights. The position of the lamp is immaterial, provided the faithful can see it easily, but it should never be far from the tabernacle. The glass of the lamp should usually be transparent, and colourless, but opaque glass, green or red, is approved. The number of lamps should be uneven.

SECTION 10. Relics and Statues

1. Small authentic relics of the Saints in sealed reliquaries may be placed on the altar between the candlesticks. Shrines containing a large portion or the whole of the body of a Saint may be placed under the altar table. A relic of the true Cross must have its own reliquary and must be exposed on the altar table. Relics of the Beatified may be exposed only where a privilege exists of celebrating Mass and office in their honour. Relics may not be exposed during Benediction or exposition of the Blessed Sacrament.

2. Small statues may be set on the altar gradines or reredos, but not over the tabernacle or in the place of the crucifix.

¹ The same decree ruled that two wax candles must be lit at a private Mass, four at least at solemn or sung Mass, four for solemn exposition of the Blessed Sacrament, and other lights added to complete the prescribed number. But Ordinaries are urged to restore the customary practice as soon as possible.

Note on Violation and Desecration of a Church

When a church has lost its consecration or blessing, it must be consecrated or blessed again. A church definitely loses its sacred character, only if it is entirely destroyed, or if the greater portion of the walls fall down, or if it has been reduced to secular purposes by the authority of the local Ordinary (c. 1170).

A church is violated, but does not lose its consecration or blessing, in consequence of certain actions done therein, provided they are quite certain and notorious. These actions are: Illegitimate homicide; suicide; gravely unjust and serious shedding of human blood and probably serious unjust wounding though the blood be shed outside the church, but not the mere effusion of blood from a wound inflicted outside the church; impious or disgusting uses to which the church is put, such as the stabling of horses or play-acting; the burial of an unbaptized person, not, however, if the person was a catechumen, or the child of baptized parents or parent; the burial of an excommunicate, after declaratory or condemnatory sentence (c. 1172).

It is forbidden to celebrate the divine offices or administer the Sacraments or hold burial service in a church that has been violated. If the violation happen before the Canon of the Mass or after the Communion, Mass must be discontinued; if after the Canon is begun, Mass must be continued till the Communion inclusive (c. 1173).

A violated church must be reconciled as soon as possible. In doubt as to violation, reconciliation may be performed. If the violation has ensued from the burial of an excommunicate or an unbaptized person, the church may not be reconciled until the corpse has been removed, if that is possible without great inconvenience (c. 1174). The method of reconciliation is indicated in the canons (cc. 1176, 1177).

CHAPTER VIII

REQUISITES FOR MASS

SECTION 1. The Sacred Vessels and Cloths

1. Chalice and Paten

COMMON law prescribes that the chalice should be made of gold or silver, or at least have a cup made of silver gilded inside. Owing to poverty or some other good reason, it is permitted to use a chalice whose cup, at least, is made of gold, silver or tin, and even amalgam (copper and aluminium) chalices may be used provided 90 per cent is of copper, and the surface is silvered, 3 grs. to 1 sq. dec., and gilt inside, .25 grs. gold to 1 sq. dec.¹ The chalice must be consecrated by a bishop or a priest delegated by law or Apostolic privilege. This precept is grave.

The consecration of a chalice is lost when the chalice is so damaged as to be no longer fit to use, as when the cup is broken from the stem, not if it is merely unscrewed; it is also lost if the cup is pierced, or when the chalice has been employed for indecorous not merely secular purposes, or if it is put up for sale. It retains its consecration though the interior gilding has perished. It must then be regilt. This precept is grave.

The paten must be metal, gilt at least on the upper surface. The material need not be the same as that of the chalice, but it must be solid and befitting. The paten must be consecrated. It loses its consecration if it cannot serve its purpose of holding the host, as when it is broken or greatly bent.

2. The Corporal

The corporal must be made of linen or hemp. It must be white, clean and plain, except that the edges may be embroidered and a small cross may be worked into the centre or front, but an embroidered cross that stands out in relief

¹ cf. Lehm., II, n. 314, quoting A.S.S., II, p. 232; VI, p. 589.

is objectionable and is apt to become frayed. The corporal must be blessed by the Ordinary or his delegate, or the parish priest, Rector, religious Superior, for their respective churches. It is seriously sinful to celebrate Mass without a corporal or with one that is very soiled. It is a venial sin to celebrate Mass with an unblessed corporal. The corporal, after use in Mass and before it has been washed, may not be touched except by a cleric or a sacristan. Used corporals must be washed first by a cleric in major Orders, they may be given a second and a third washing by anyone. The water of the first washing must be poured down the sacrarium, or in its absence on to a fire (c. 1306) ; when even this cannot be done, it may be poured on to any becoming plot of garden or earth.

3. The Pall

The pall is a square piece of stiffened linen. Inserted cardboard is unsuitable, as the sacred species may soak into it. The upper side of it may be of silk and embroidered, figured or painted, but may not be black nor have any representation of death. The pall must be blessed as the corporal. It loses its blessing when it is so torn as to be unfit for its purpose. It would be a venial sin to celebrate Mass without a pall or with one not blessed, but for any small reasonable cause its place may be taken by a corporal, purificator or burse. The touching and washing of the pall are subject to the rules quoted in the case of the corporal.

4. The Purificator

The purificator must be made of linen or hemp. It may be embroidered. It is not blessed. The precept of using a purificator is light, and its place may be taken by a cloth. The touching and washing of purificators are subject to the same rules as the pall. The purificator, as also the chalice, paten, corporal, after use in Mass, should not be touched by anyone except a cleric or sacristan. Obviously, a lay person may touch a chalice or paten for re-gilding.

But the canon does not appear to impose any obligation under sin on lay persons not to touch the above, and therefore they might touch the sacred vessels or linens for any reasonable cause. But when the sacred vessels contain the sacred species or have not been purified, it is a grievous sin for anyone not a deacon or priest to touch them.

SECTION 2. The Altar Furnishings

1. The Altar Cloths

There must be three altar cloths (or two, one of which is doubled), the uppermost covering the whole of the altar and reaching on each side to the ground or nearly so. The waxen cloth that covers the altar stone is not to be considered as one of the three necessary cloths. These cloths must be made of linen or hemp. Other material may be allowed by indult. The upper cloth may have, as is usual, embroidered letters on its front, or lace work with a backing of stuff. The altar cloths must be blessed. To celebrate Mass with no altar cloth is a grave sin; with unblessed cloths, a venial sin. The blessing of other sacred things, except chalices and patens, which require a blessing, may be given by Cardinals, bishops, local Ordinaries, parish priests, Rectors, priests delegated by the local Ordinary, religious Superiors and their delegates, within limits of their jurisdiction (c. 1304).

2. The Antependium

The *antependium* or frontal is a cloth hanging down the whole front of the altar, and also down the back if the altar is detached; its colour should correspond with the office of the day, if possible, but purple in sung requiem Masses when celebrated at an altar where the Blessed Sacrament is reserved, and white at exposition of the Blessed Sacrament.¹ If the altar is made of marble or decorated, as when the columns are gilded or have sculptured capitals, the antependium need not be used, nor is it necessary when it is not convenient to employ one. It is not blessed.

¹It seems certain that a black frontal is tolerated at Solemn Requiem functions at an altar where the Blessed Sacrament is reserved, if it is the High Altar, or the only one (D.A. 3562 restricting 3201).

3. The Crucifix

The crucifix prescribed must be a relatively large one, easily visible, set in the middle between the candlesticks and higher than them. It may be placed over the tabernacle but not on the throne used for the Blessed Sacrament exposed nor on the corporal. A large statue of the crucifix over the altar is permitted, as also a painted or embossed one on the reredos of the altar. The crucifix is not of obligation when Mass is celebrated before the Blessed Sacrament exposed. A simple cross is not sufficient, but the image of Christ crucified may be painted, embossed or sculptured. The Rubric prescribing the crucifix (uncovered, except during Passiontide) is not a grave one. The crucifix need not be blessed. It may be blessed privately by a priest.

4. The Candles and Candlesticks

During the celebration of Mass, lighted candles are to be on the altar. They may not be placed in holders fixed to the walls. On the High Altar, and where the Blessed Sacrament is reserved, there must be six separate candlesticks with candles. During strictly private Masses, two candles and only two are normally to be alight if the celebrant is a priest. During Solemn Mass, six candles may and usually should be lighted, as also during sung Masses and during a parochial, or a Community Mass, on solemn¹ feast days, and when Mass is said instead of being sung. The candles are to be composed of at least 65 per cent beeswax. Electric lights placed with the candles for any other purpose than mere necessary illumination are forbidden. Electric lights inside the throne of exposition have been prohibited.² It is not forbidden to have the candles fixed in metallic or wooden tubes with or without a metal spring inside. The candles lit for Mass must remain lit from the beginning to the conclusion of the prayers. It is a serious sin to celebrate Mass without any lighted candle unless there is a very grave reason for doing so, as for consecrating Viaticum or for Mass on a holy day of

¹ At least four at a solemn or sung Mass; S.R.C., Aug. 18, 1949.

² D.A., 4275.

obligation, scandal being precluded. To celebrate Mass with only one candle lighted is held by some considerable authorities to be no sin at all. The quality of the candles is obligatory under venial sin. If the candles are extinguished after the Consecration and others cannot be had within a short time, the Mass must be continued ; the same is true, if they were extinguished before the Consecration and after the Offertory. If they become extinguished before the Offertory, Mass may be continued, scandal being precluded.

5. The Missal

It is commonly held that there is a grave obligation to have on the altar during the celebration of Mass a Missal that contains at least the Canon of the Mass, in order to guard against errors, but it is also held by many authors that a priest may dispense with the Missal if he knows there is no danger of mistake, and if he has a good reason for celebrating Mass. Furthermore, there is no obligation to read the words of Mass from the Missal if the celebrant is morally sure that he will not make a mistake. The Rubric concerning the cushion for the Missal or its substitute, a stand, is directive. The latter may be covered with a silk cloth of the colour of the day, except at Requiem Mass.

6. The Altar Cards

An altar card containing certain secret prayers is to be placed at the foot of the cross or beneath it. This Rubric is probably not obligatory under sin. There is no obligation to have the side altar cards. The cards may not remain on the altar during exposition of the Blessed Sacrament.

7. The Cruets

The cruets should be of transparent crystal or glass, but metal cruets are tolerated. They should be distinguished with letters, or a ribbon for the wine cruet.

8. The Bell

The bell to be sounded at the *Sanctus* and the Elevation is now prescribed, even at sung Masses and at Pontifical

Masses.¹ In addition to this, the employment of it is advised also at the *Hanc igitur*, as a warning bell that the Consecration is about to take place. Where the contrary custom obtains, other signals, besides those of the bell, are tolerated. It is a laudable custom to sound the church bell at the time of Consecration. Custom tolerates the sounding of the bell at the little Elevation, before the *Pater Noster*. The more correct form of bell is a handbell with a single tongue. Chiming bells (carillon) may be used, but not Indian gongs.

9. Flowers

It is fitting that flowers be placed on the altar but in moderate quantity. They should preferably be cut flowers; artificial silk flowers are permitted. The altar of Repose should be decorated with flowers on Holy Thursday, and the High Altar with palms on Palm Sunday. Flowers are forbidden at Solemn Requiem functions and during Lent and Advent when the office is ferial, and on Christmas Eve, Holy Thursday, Holy Saturday, February 2, at the blessing of candles, the vigil of Pentecost before Mass, on September Quarter Tense, and during a votive Mass of the Sacred Passion.

Vases of flowers should not be placed in front of the tabernacle. Vases of flowers and potted flowers and plants may be placed on the sanctuary steps or on supports within the sanctuary.

10. Communion Rail

The Communion rail, which is not of obligation, may be made of stone, wood, or metal. It should have a broad top for the Communion cloth, which serves to catch any particles that may have fallen owing to the careless use of the Communion plate.

11. Incense

The incense used at Mass and Benediction should be pure; the addition of aromatic substances in small quantities is permitted. When it is impossible to obtain incense, as in war time, permission has been given for a composition of juniper berries and lavender flowers.

¹ S.R.C., Oct. 25, 1922.

12. Monstrance and Lunette

The monstrance is a metal vessel which serves to hold the large Host exposed during Benediction and Exposition. A cross surmounts it. It should be reasonably light, since it is carried in procession. Probably it should be blessed. It should be veiled when on the altar table both before and after Benediction.

The lunette, often shaped like a crescent, with the two sides hinged at the centre of the crescent, is the vessel containing the sacred Host. A cylindrical box is sometimes used which can be inserted bodily into the monstrance. If the sides are of glass, the sacred Host should not touch them. The lunette must be gilded and blessed. It need not be veiled, but its containing vessel usually is.

SECTION 3. Dress and Vestments

1. The celebrant must wear the cassock or similar garment reaching to the ankles, and the sacred vestments prescribed by the Rubrics of his rite (c. 811).¹ The cassock or similar garment is prescribed, according to common opinion, under venial sin. This positive law, designed for external reverence in the Holy Mysteries, does not bind under a reasonable inconvenience, but the cassock should be used, whenever reasonably possible, even by priests travelling outside their countries. A coat reaching to the knees is not a *vestis talaris*. A long coat reaching well below the knees may be used as a substitute for a cassock. The priest must also wear a covering on his feet.

2. The requisite vestments for a priest of the Latin rite are : Amice, alb, girdle, maniple, stole, chasuble. These should be blessed, and may be blessed by the parish priest or the Rector of the church.

(a) The amice should be made of linen or hemp, as prescribed by general decrees. Midway between the tapes, and on the upper part of the amice, a simple cross is to be embroidered. It is a venial sin to celebrate Mass without an amice, but a reasonable cause would excuse from this Rubric.

¹ Also when publicly administering the Sacraments (S.C.C., July 28, 1931).

(b) The alb should be made of linen or hemp. It may not now be made of cotton. The sleeves and the hem may be adorned with lace or any kind of needlework, which may have a silk background, even red or blue, though ordinarily the colour of the background should correspond with the colour of the chasuble ; but if the stuff is not linen, these ornamental parts should be a fraction only of the sleeve or body.

It is a grievous sin to celebrate Mass without the alb, so that only a very grave cause would exempt from the rubric. Pope Leo XII granted permission to priests in China to celebrate without any of the usual vestments during a time of persecution. In case of urgent necessity, as, for example, to consecrate for Viaticum or paschal Communion, Mass may be celebrated without any vestments, if they cannot be got, but care should be taken to prevent scandal.

(c) The girdle may be of any strong material, as cotton, hemp, silk, wool. Its colour is not prescribed. It is a venial sin to dispense with the girdle, but any reasonable cause will excuse from the Rubric. It is not certain that the girdle need be blessed.

(d) Maniple, stole, and chasuble may not be entirely made of cotton, wool, or linen ; custom sanctions silk stuff by preference. They may be made of gold cloth or of gold or silver thread, mixed or unmixed with other material. Glass may not enter into the composition of the stuff, lest fragments fall into the chalice. These vestments may be ornamented with needlework or painted figures. It is a grave sin to celebrate Mass without a chasuble or without stole and maniple. A very grave reason would excuse from this Rubric. It is a venial sin to celebrate without a stole or without a maniple.

3. The Rubrics permit five colours for the vestments, namely, white, red, green, purple, black.¹ Rose-coloured vestments are permitted on the third Sunday of Advent—

¹ In future, a particular tint of purple is to be used. A sample may be obtained from the Secretary of the Sacred Congregation of the Consistory (S.C. Cær., June 24, 1933 ; A.A.S., Aug. 10, 1933, p. 341).

Gaudete Sunday—and on the fourth Sunday of Lent—Lætare Sunday. Vestments may not now be made in variegated colours, where the one rubrical colour does not predominate. Vestments of cloth of gold or gold thread may be used as white, red, and green. Silver thread vestments may be used as white. Blue is not permitted, except by special privilege, as in Spain and Latin America on the Feast of the Immaculate Conception. Yellow is forbidden. The prescribed colour is to be used under light obligation. Any reasonable cause would, therefore, excuse from this Rubric. It is better to celebrate Mass in vestments of the wrong colour than not to celebrate at all. Scandal must, however, be avoided. It might be seriously scandalous to celebrate Mass on a solemn feast day in black vestments.

The veil of the chalice should be made of silk stuff; gold and silver cloth are permitted. The colour of the veil should be that of the chasuble, and large enough to cover the chalice in front.

The burse should be made of the same stuff as the chasuble, and its colour the same. Since the burse is destined for holding the corporal it is unbecoming and forbidden to use the burse for other things, as, v.g., for holding the tabernacle key or taking the collection of money.

4. Two forms of the vestments are in use in this country. No new form may be introduced. This is clear from the terms of a recent decree,¹ which stated that it is not lawful, without consultation with the Holy See, to depart from the received usage of the Church in respect of the form of vestments, and to introduce another form, even though an ancient one. The decree referred back to an earlier letter of Aug. 21, 1863, to local Ordinaries. It was stated in the letter that the Gothic form had been abandoned since the sixteenth century, and that whilst such discipline endured and without consultation of the Holy See no changes should be made. Nevertheless, local Ordinaries were requested to state the reasons why changes had been introduced. It appears clear, therefore, that the Congregation is opposed to the introduction of Gothic vestments,

¹ S.R.C., Dec. 9, 1925.

but not to listening to reasons for their continued use. The use, therefore, of Gothic vestments seems to presuppose an indult from the Holy See. The decree of 1925 also forbids the use of vestments that differ in dimensions from those in common use.¹ A request made to the Congregation by a priest of Barcelona, that he might accept and use a gift of Gothic vestments was answered by a rescript to the effect that they were to be changed into the Latin form.²

5. A finger ring may not be used during celebration of Mass except by Cardinals, bishops and abbots after receiving the blessing, or by Apostolic indult.

The skull-cap is similarly forbidden, but in case of reasonable necessity, and without scandal arising, a priest might legitimately wear a skull-cap occasionally, not, however, between the *Sanctus* and Communion. If he felt a permanent need for one, he should ask for an indult.

In places where the uncovered head is a mark of disrespect, the skull-cap should be worn and an indult obtained. But the Sacred Congregation of the Holy Office (Aug. 25, 1880) preferred that the custom of using the skull-cap during Mass should be prudently abolished.

The use of a wig during celebration of Mass is not now forbidden, as modern wigs are skilfully made to imitate natural hair and are not, as formerly, effeminate adornments. There was, undoubtedly, a custom of wearing wigs merely from personal vanity. Fashion has changed in this matter, and the *Codex Juris* has not renewed the prohibitions of Popes Innocent III and Benedict XIV.

¹ cf. *I.E.R.*, 1926, p. 655 ; 1933, p. 533 sqq.

² cf. *Periodica*, 1929, p. 246. It is held that the full chasuble is not condemned (Woywod in *Homiletic and Pastoral Review*, May, 1932, quoting *Nouv. Rev. Theol.*, Apr., 1926, *Rev. Apol.*, May, 1926, *Coll. Brug.*, 1926, *Amer. Eccles. Rev.*, Aug., 1926).

CHAPTER IX

MASS OFFERINGS (cc. 824-844)

SECTION 1. Origin

THE early Christians made offerings of bread and wine for the Holy Sacrifice, and other offerings for the use of the sacred ministers and the poor. The former were given at the Offertory of the Mass. These gifts were distinct, both in origin and signification, from special offerings made to the celebrant for a pious intention or the application of Mass to that intention. Offerings were made by those only who had the right to do so, and consequently the excommunicate, catechumens and penitents, made no common offering, as they were excluded from direct participation in the Sacrifice. The faithful ceased, in course of time, to attend Mass and receive Holy Communion in great numbers, so that offerings were discontinued, except that in certain places, clerics were wont to offer money instead of bread and wine. Formal alms for Masses are traced to the seventh century, possibly to the fourth. Thus, the Venerable Bede speaks of money as an alms for Masses.¹ By the twelfth century the practice had become general, but it was open to abuse, as witness Pope Alexander II condemning priests who celebrated several Masses on the one day for the sake of profit, and the Council of York (ann. 1193, c. 3) forbidding the practice altogether.

Enemies of the Church—Wycliff, Calvin, the Jansenists, and many today—implicitly condemn such almsgiving as simony. The Church, however, accepted and positively approved of the practice on the very clear grounds that by Natural law the faithful are bound to support their pastors, and by divine positive law the pastor has a right to maintenance: "Even so, the Lord directed those who proclaim the Gospel to live by the Gospel" (1 Cor. 9, 14). Pope Pius VI, therefore, condemned the contention that alms for Masses

¹ *Eccles. Hist.*, IV, s. III, c. 22.

were a disgraceful abuse as false, temerarious, injurious to ecclesiastical and pastoral rights, and offensive to the Church and her ministers.

SECTION 2. Acceptance of Mass Stipends

1. The Church, then, in her canons (c. 824) asserts that it is in accordance with approved custom and the ordinances of the Church that a priest, who celebrates and applies a Mass, should accept for it an alms or an offering (stipend). He offers the Sacrifice gratuitously ; he receives, on the ground of strict justice, an alms for his entire or partial sustenance, and this is not merely equitable, but it is necessary, for if wine, candles, a server, vestments, altar-furniture are necessary for the celebration of Mass, much more necessary is the priest himself, duly maintained and disposed for his office.¹ No priest and no Catholic make the mistake of thinking that a price is ever given for a Mass ; the error, rather the gross imputation, is a fabrication of the heretical mind.

Consequently, to celebrate and apply a Mass that would not normally be celebrated for a proffered alms is not simony, though the practice, if habitual, is not to be commended. In the case, the priest may, indeed, be induced to take the trouble to celebrate Mass, but he does not sell it. If he did, he would certainly commit a grievous sin of simony. Even the practice of celebrating chiefly in view of an alms is not simony, nor did Pope Innocent XI condemn the practice in condemning the proposition that "to give what is temporal for what is spiritual is not simony, even if the temporal thing is the principal motive for giving what is spiritual." Furthermore, a priest may rightly demand an alms for saying Mass, but his demands are limited by law. It will be obvious also that however wealthy a priest may be, he may rightly accept and even demand an alms, since the wealthy, no less than the poor, have the right to be maintained by those whom they serve. This act would not fall under the condemnation of Pope Innocent XI, cited

¹ Well and fully expressed by Lugo, *de Euch.*, disp. xxi, sect. 1, n. 13.

above, since what is spiritual, namely, the Mass is not at all given in exchange for what is temporal, the alms. In cases of concelebration, as in the Mass of the newly-ordained, each priest may accept an alms for the Sacrifice which he offers.¹

2. The alms offered and taken for a Mass is for the application of the fruit of the Mass applicable by the celebrant. This is the universal practice. But an alms may be offered and taken also for the celebration of Mass, prescinding from its application, when the donor requests the celebration on a given day, at a given hour or place, or with added solemnity, for all such circumstances are extrinsic and entail additional trouble. In such cases, though they are not common, a priest may accept one alms for the Mass as such, and another for its celebration under peculiar circumstances.

Note on the Theory of a Gratuitous Contract

The view of Mass stipends and the obligation arising from the acceptance of them is thus presented by Fr. De la Taille in *The Mystery of Faith and Human Opinion, Contrasted and Defined*:

“The old conception, viz., that the offerings of the faithful were the oblation for the sacrifice and in no sense a payment to the priest who offered Mass has three great advantages. It has the advantage of upholding the dignity of the priest by making of him not the stipendiary of the faithful but of God. It has the advantage of enhancing the rôle of the faithful, by restoring them to their native condition of a holy, sacerdotal race, qualified by their baptism to offer to God gifts and sacrifices, which are to be consecrated by the ministry of the priest invested with the priesthood of Jesus Christ. It has the advantage of dignifying that money transaction of the Masses, which otherwise runs the risk of giving occasion to the shocking language, so unworthy of

¹ This opinion is commonly held: Bened. XIV, Const. *Demandatum*, 1743, *de Sacr. Missæ*, lib. 3, c. 16, n. 10; Gasparri, *de Euch.*, nn. 360, 547; *de Ord.*, n. 1066; Cappello, I, n. 666; S. Alph., lib. 6, n. 829; *contra* Génicot, II, n. 234, quoting Lacroix; cf. *supra*, vol. III, pp. 99—100.

the sacrifice of the Altar, and not infrequently heard in our days : ' What is the price of your Masses ? I have come to pay for Masses.'

"Everybody admits the *stipendium sustentationis*. If it is by way of an onerous contract, its character of *stipendium sustentationis*, allowance for sustenance, will not avert simony. If it is by way of a gratuitous contract, well and good. I see a gratuitous contract in agreement with the whole of tradition in the economy distinctive of the sacrifices.

"There is a world of difference between the *stipendia missarum* and the fees collected on the occasion of certain acts of the spiritual ministry (*Code*, c. 1507, 1). The latter cannot proceed from a contract, because an onerous contract would be required, that would *ipso facto* be simoniacal. The former on the contrary have a contract for their basis, but a contract that is essentially gratuitous. It is a contract required by the very nature of the gifts, which the faithful transmit through the hands of the priest, to be by him dedicated to God, Who, when the transfer has been made, graciously admits His minister to a share of the perquisites, acquired by the altar.

"We have truly a right to say what Suarez says : the obligation of the priest as regards the application of a Mass 'results from the (material) thing accepted' and kept. No, there is nothing wrong in this pact, if it is such as we have described : a pact in justice, but a gratuitous pact. Nothing like it, however, is met with apart from the single case of sacrifice.

"Quemadmodum sacerdoti Hebræorum de hostia semel litata liceret vesci, quin censeretur a laico viro remunerari, sed a Deo, cui munus jam consecratum erat, ali, sic sacerdoti Christianorum suppetat ex mensa altaris victus, non quasi a fidelibus impensus sibi, sed a Deo retributus, cui eatenus censetur a quopiam sterni mensa sacrificiorum, quatenus sufficiat oblatio et ritui eucharistico celebrando et sacerdoti sustentando, altaris participi. Ad sacrificium deferendum tenebantur (veteres) ex justitia commutativa tanquam depositarii simul atque mandatarii. Per modum depositi enim jacet penes sacerdotem munus a fidelibus in sacrificii

latiam destinatum, donec susceptum transmissionis seu consecrationis mandatum exsecutus ille fuerit. Concluditur non oportere ad obligationem justitiæ verificandam confugere ad aliud pactum præter illa duo quæ ex deposito et mandato oriuntur gratuita ; supervacare ergo contractum omnem onerosum, puta locationem operæ, vel conventionem, do ut facias, vel donationem modalem. Unde apparet cur pecuniaria quævis pactio (exceptis titulis extrinsecis) sit in aliis Sacramentis simoniacum, non autem in Sacrificio Missæ.”¹

SECTION 3. The Obligation arising from Mass Stipends

When a priest has accepted a stipend for the application of a Mass his obligation is, in the view of the present writer, one of commutative justice. When the alms given and accepted is a large sum, sufficient to constitute grave matter if stolen, the obligation is grave ; if the alms given and accepted is small, the obligation of saying the Mass is also grave, both in respect of justice and of obedience to the Church's law. A few authors thought and some still think that the obligation in justice is here light. Their opinion is improbable, for though there is a light obligation of returning a small stipend if Mass cannot be said, the contract entered upon, namely, to apply a Mass, is a grave contract, even though, in legal phraseology, the valuable consideration was small. There is no question here of barter. The Mass is not sold. But if the Masses asked for are numerous, v.g., fifty, all of which are to be offered for the same intention, the omission of one of them is probably not a serious sin.² Again, if the stipend given was insignificant, the Mass must be said rather out of fidelity, and its omission would not be grievous, unless an obligation of justice—which need not then be presumed—was freely undertaken. But the ordinary diocesan stipend would always carry a grave obligation ; there is a grave obligation during the period of time when the Mass can be applied for the intention of the donor,

¹ De la Taille, *op. cit.*, pp. 167, 176, 178, 221.

² Cappello, I, n. 668 ; Lehm., II, n. 269.

of either saying the Mass or restoring the stipend. If this period has elapsed the obligation of restoring the stipend is grave if the stipend is grave matter, even relatively, otherwise the obligation is light.

In cases where a priest says more than one Mass on a given day, if he has applied one of them to satisfy an obligation of justice, he may not accept a stipend for any other Mass on that day, except by reason of some extrinsic title to compensation,¹ but on Christmas day a stipend may be accepted for each Mass said, unless the celebrant has the cure of souls, for he must then say one Mass for the people, an obligation of justice, and may accept stipends for other Masses said (c. 824, 2). The Mass said by members of a pious clerical union for a deceased member is not a Mass due in justice.²

SECTION 4. Prohibitions

When a priest foresees that a stipend will be offered to him to apply a Mass, he may not anticipate the request, say the Mass, and accept the stipend, but if he did so, he may, of course, ask the donor to ratify it. Thus, it might be highly advantageous to a departed soul to have the benefit of a Mass at once. The priest foresees that a Mass will be asked for ; he says the Mass. But the donor of the stipend must be told and must ratify the act, otherwise the stipend may not be retained (c. 825, 1). If the Mass has already been said, but the donor is not informed, the stipend may not be kept unless another Mass is said.

It is not permitted to receive a stipend for a Mass which is already due on a ground of justice, such as the Mass to be said by a parish priest for the people on certain days.³ If a parish priest says two Masses on Sundays, he may not accept a stipend for either of them. He will have received a stipend for one ; he may not, without dispensation, receive a stipend for the other.

For the application of one and the same Mass a twofold

¹ The S.C.C. had decreed (Oct. 15, 1915) that remuneration could not be accepted, even for extrinsic labour or inconvenience, for the second or third Mass on All Souls' Day. This decree is now abrogated (P.C.C.J., Dec. 13, 1923), ² S.C.C., Sept. 14, 1878. ³ Or due on any other title (c. 825, 2).

stipend may not be accepted. This prescription of the canons (c. 825, 3) was virtually affirmed by Pope Alexander VII (1665) in condemning the contrary view.

It is forbidden (c. 825, 4) to accept one stipend for the celebration and another for the application of one and the same Mass, unless it is quite clear that one stipend was offered for the celebration alone.

SECTION 5. The Various Kinds of Mass Stipends

1. Certain stipends are designated in the canons manual stipends, if offered for Masses by the faithful, whether out of devotion, as so many definite offerings passing as it were from hand to hand, or if due, even in perpetuity, from heirs by the will of a testator, or from legatees, individual or corporate. The Masses themselves are also termed manual Masses.

2. The stipends derived from funded capital for Masses are termed equivalently manual stipends (*ad instar manualium*), if the Masses cannot, for some reason, be celebrated and applied in the designated place, or cannot be applied by those priests who, by the terms of the foundation, ought to celebrate them, and who entrust or have entrusted the Masses to other priests, whether in accordance with law, or by Apostolic indult.

3. All stipends except those mentioned above are termed funded stipends, and the corresponding Masses are termed foundation Masses. The terms of the contract must conform to the canons (cc. 1545-8) both in respect of the persons contracting and the conditions of fulfilment. The contract is an innominate one (*do ut facias*). Every care should be taken that the terms of the contract are clear and can be fulfilled, otherwise needless trouble is given, and priests are burdened with obligations that confer on them no benefit. In general, and apart from the expressed ruling of the Ordinary, it is preferable that obligations in perpetuity should not be undertaken. Incomes from land and houses are so liable to depreciate in value, that obligations undertaken should, by agreement, lapse after a fixed term of years.

SECTION 6. Certain Canonical Prescriptions in respect of Mass Stipends**1. Trade and Barter**

In respect of Mass stipends, every appearance of trading and barter must be avoided. The word of the canon, '*negotatio*,' is usually defined as that form of trading in which an article is bought cheap and sold at a higher price. The word, '*mercatura*,' of the canon is usually defined as any form of profitable exchange. Thus, if a person collects Mass stipends and hands to a priest for Masses to be said not the money collected but its equivalent in books, he gives the appearance of trading. If he profits by the transaction he is guilty of 'exchange.' If he collects Mass stipends and profits by the monetary exchange he is guilty of trading. To be guilty of trading or bartering in Mass stipends is an offence against both the divine and the Ecclesiastical law, and is, of its nature, a serious sin if the matter is grave. The offence may be punished (c. 2324) by the Ordinary with suspension, privation of benefice or office, and excommunication. Consequently, to collect Mass stipends in one place and have the Masses said where Mass stipends are smaller is contrary to the canon if any profit is made thereby. Though it is forbidden to offer books, etc., for Masses in place of collected stipends, it is not forbidden to offer a money equivalent for Mass to be said for one's own benefit, and priests may freely undertake to celebrate Masses for the extinction of personal debts, or for house or altar requisites, but there may not be any appearance of bartering. Similarly, priests, such as curates, may celebrate Masses in compensation for their board and lodging received at the expense of the parish priest. Booksellers may offer books to priests for celebration of Masses in place of Mass stipends spontaneously brought to them, but there may be no profit made, nor any appearance of trading.

Rectors of pious institutions, to whom Mass stipends are given, may ask priests to say Masses gratuitously, but the stipends must be applied to the upkeep of the institution.

2. Equivalence of Masses and Stipends

The number of Masses celebrated and applied in virtue of stipends accepted must be exactly equivalent to the number of stipends received, even if they are small. In some poorer missions it is customary to celebrate one Mass, for example, each day during November for the Holy Souls, in accordance with the intentions of those who put offerings into the Holy Souls' box. The practice has not been generally condemned, though it has been condemned in particular cases. The faithful know the conditions, but even so, we believe that the practice is apt to give the appearance of money making by Mass stipends, and therefore it should be avoided. There is no objection, of course, to having a Holy Souls' box in the church, and to saying Masses for the Holy Souls in accordance with the intentions of the donors, but the amount of stipend taken for each Mass should be that settled by custom or the express wish of the local Ordinary. Nevertheless, in some dioceses of the United States the custom is approved of celebrating only one Mass on All Souls' Day, for the intentions of those who have put their offerings in the Holy Souls' box. But the matter should be made quite clear to the people. The case was referred to the Congregation of the Council in 1877 and received approval, on condition that the people were exactly informed.¹

When a priest has accepted a Mass stipend with the obligation of saying Mass, he must fulfil the contract, even though the stipend has been lost or stolen or mislaid, culpably or not, for he undertook the obligation, the stipend became his own, and if lost, he must be the loser. If, however, such a priest did not actually receive the stipend, because,

¹ "Nil innovetur : tantum apponatur tabella in ecclesia, qua fideles doceantur, quod illis ipsis elemosynis una canitur missa in die Commemorationis omnium fidelium defunctorum." A.S.S., X, p. 125 ; Sabetti-Barrett, n. 712, q. 10 ; Amer. Eccles. Review, Jan., 1933, p. 61. Furthermore, the same Congregation, being asked if it was permissible, with the consent of the donors, to combine two or more intentions for High Masses, so that one only was said for the combined intentions and the ordinary stipend of the diocese taken for it, the rest of the offerings being given to charities, replied that the Ordinary should abolish such practices prudently (S.C.C., July 9, 1921).

for example it was lost in transit by post, or stolen before it reached him, he is under no obligation in justice.

Where a sum of money has been given and accepted for Masses, but the number of Masses has not been indicated by the donor, that number must be determined by the stipend customary in the place where the donor is staying, unless the priest can legitimately presume the donor's intention to have been otherwise (c. 830). Thus, Mass stipends sent from France to England are usually less than the corresponding English stipends would be. Nevertheless, a priest may reasonably presume that a donor of stipends wishes to benefit a poor mission or to make a personal gift to the priest. If the presumption is valid, as it may easily be, the celebrant must determine in his own conscience the extent of his obligations. Normally, and speaking for England only, a very small sum of money for Masses must be dealt with in accordance with the first part of this section. A large sum of money may reasonably be treated as in part a gift, and the diocesan standard may then be adopted. A very large sum of money may certainly be treated as principally a personal gift, and the English diocesan measure may, at least, be doubled. Cases arise in which the diocesan measure may be quadrupled, as if a friend wishes to benefit a priest, and makes a donation of £20, begging that some Masses may be said ; we believe that the priest would not act unreasonably if he celebrated only twenty Masses for his friend. His friend may not have expected even so many.

3. Diocesan Standard

It is the right of the local Ordinary to settle the monetary measure of manual stipends by decree in the diocesan synod, if possible. Where, however, the Ordinary has issued no decree, the custom of the diocese must be observed. In England, the customary Mass stipend is five shillings. In very large dioceses, where the standards of living vary, the Ordinary may fix different monetary measures for various localities. No priest, saying Mass in such diocese, may exact or ask for a larger stipend than that fixed, and the prescription of the canons binds Religious,

even if exempt from episcopal jurisdiction. Nevertheless, it is permissible to accept a larger stipend if spontaneously offered, and a smaller stipend, unless the local Ordinary has forbidden a smaller one to be taken.

Since the standard of the manual stipend is fixed by decree or custom, a priest who demands or asks for a greater one, has no just title to it, and sins against justice. He would, therefore, be bound to make restitution of the excess, and the obligation would be grave or light in proportion to the amount of that excess. But, furthermore, he would be sinning by simony, since the excessive amount is forbidden by Ecclesiastical law, and if he were guilty of this frequently, his sin would be a grave one ; if rarely, his sin would probably be not grave. It is probable that his sin is contrary to divine law, and is, therefore, simony strictly so called (c. 727).

The local Ordinary may forbid the acceptance of a lesser stipend than that fixed by him, for his duty is to safeguard the priests in his diocese and their legitimate maintenance. But in spite of the prohibition a Mass may be said, though rarely, for a smaller stipend or even gratuitously ; it appears preferable to say a Mass gratuitously, on rare occasions, rather than to accept a smaller stipend.

SECTION 7. Circumstances governing the Celebration of Stipend Masses

In general, the donor of a stipend is to be presumed to request only the application of Mass, but if some particular circumstances in its celebration are expressly asked for, those circumstances must be fulfilled if the obligation is undertaken by accepting the stipend. These circumstances may have reference to time, place, kind of Mass, personal celebration, and they are a substantial element in the contract.

1. The Time of Celebration of Stipend Masses

1. If a precise time for the celebration of a Mass has been assigned, that circumstance must be fulfilled, but

if the time has passed, the priest may interpret the reasonable wishes of the donor.

2. If no particular time has been assigned the canons prescribe the following rules :

(a) If the Mass is to be offered for some pressing intention, it must be celebrated as soon as possible.

(b) In other cases, Masses are to be celebrated within a short time relatively to their greater or lesser number for the same intention. What precisely is the meaning of a short time has not been laid down in the canons, but it is commonly held—and there are few dissentients¹—that the prescriptions of the decree *Ut debita* (1904) still obtain, namely, that the time allowed for a Mass is one month, the time for one hundred Masses is six months. The Congregation of the Council, when requested for a more precise ruling, refused to impose it, wishing the matter to be left to the discretion of priests, guided by the said decree and the teaching of divines (Feb., 1905). It is, therefore, the common teaching that one Mass undertaken to be said for a stipend must be said within a month, and if several, v.g., twenty donors request Masses to be said, the twenty must be said within one month.

(c) When the donor has left the time of celebration to the priest, the latter may celebrate the Masses at his own convenience, but he may not undertake to say more Masses than it is possible to say within one year (c. 835). The latter prescription does not bind a priest if he accepts the obligation on the condition of being allowed to pass on some of the Masses to other priests, and this condition may perhaps be presumed unless the contrary is expressed. The year is to be computed from the date when the stipends were accepted. Since the year is fixed by the canons, it appears probable that where some of the Masses have been passed on to other priests, these Masses also must be said within the year that is fixed for the original recipient. But when an Ordinary distributes Mass obligations to his priests, the time runs from the moment when the latter

¹ cf. *I.E.R.*, June, 1928, p. 627.

receive the stipends. Since the canons (c. 835) state that a priest may not undertake more Masses to be personally celebrated than he can celebrate in one year, it appears that the donor could not grant permission for this.¹

3. If a stipend Mass is asked for an urgent intention and the obligation is accepted, if the Mass is said when it cannot avail for the intention, the obligation has not been and cannot be fulfilled. The stipend must then be restored unless condonation can be presumed. If the Mass was known to be fruitless for the intention, the offence was grave.

4. When a time for the Mass is fixed by the donor of a stipend without any urgent reason, a short delay is not sinful; if the donor expressed an urgent reason for the Mass, delay will be sinful. Even a short delay in case of Mass for an urgent reason can be a grave sin. In other cases, a delay of a few days beyond the required month is not sinful; a delay of about a week will be venially sinful; a delay of a month will be grievously sinful.

5. The mind of the donor must be reasonably interpreted. Therefore, a request for manual Masses every Friday could not include Mass on Good Friday, and the omission need not be made good.

Notes on the Time Limit

1. The canon says that a Mass with no time limit assigned by the donor of a stipend must be said within a short time. The Congregation of the Council, in 1625, stated that fresh Mass obligations should not be undertaken until previous obligations had been satisfied. Again, in 1697 it explained its decree by stating that new obligations might be undertaken if they were fulfilled *infra modicum tempus*. In 1755 it stated that this might be understood as one month.

2. Authors thought that this ruling applied only to Religious Communities, for Regular Superiors had submitted the question, since in a large Community the Masses could be said without difficulty. Then authors made a distinction between Masses for the dead and for the living. In the former case, they thought that a month was imposed as a

¹ Several authors allow the donor to do this.

limit, in the latter, two months. That was a common view. But some authors thought that the replies applied universally.

3. The *Ut debita* (1904) stated that the time for one Mass was one month, for one hundred Masses, six months. This was thought to be an authentic declaration of the sense of the former replies. Since, therefore, canon 834 must be considered to embody previous discipline in its entirety, and not to supplant it unless it clearly does so, it appears quite certain that the time for fulfilling the obligation arising from the acceptance of one Mass stipend is one month, unless the donor has determined otherwise.

Where stipends are given for one and the same intention, only one Mass need be said within the month ; the other Masses must be said within a short time. There is no need to draw up time tables for the fulfilling of such obligations, but as one hundred Masses for the same donor and for the same intention must be said within six months, it is left to the conscience of the priest to determine intermediate periods for Masses numbering from one to one hundred. A delay of a few days in fulfilling twenty, thirty or one hundred Mass obligations would not appear to be serious, unless, as stated, the Masses were for urgent intentions, or the time had been fixed expressly. Where a priest has to celebrate a number of Masses, the intentions being unknown, and no time assigned, he should, we believe, endeavour to say them within the month.

2. The Place of Celebration of Stipend Masses

1. The donor of a stipend may determine the place for saying the manual Mass. If he does so, making the condition a substantial element of the contract, the condition must certainly be fulfilled. If the condition laid down was that Mass should be celebrated at a Privileged Altar, that condition is sufficiently fulfilled if the celebrant has the personal privilege of the Privileged Altar. If, however, he has no such privilege, and has celebrated the Mass at a non-privileged altar, we think that he must say another Mass at a Privileged Altar, though some few authors hold that if

he erred in good faith, it will be sufficient if he gain a plenary indulgence and apply it for the donor's intention. The same authors hold that if this is so in the case of *bona fide* error, it can be so in the case of physical or moral impossibility of celebrating at a Privileged Altar.¹

There are, consequently, three views on the matter. A few authors hold that the priest in question always satisfies his obligation by obtaining a plenary indulgence for the donor's intention ; others hold that this is true only in the case of a *bona fide* mistake ; others, with the present writer, hold that he must celebrate another Mass at a Privileged Altar.

There are three decrees bearing on this question. The first (S.C. Ind., 1847) gave a particular reply in the case of a priest or priests who had erred *bona fide*. The second (S.C. Ind., 1852) explicitly stated that a priest would not satisfy his obligation by obtaining a plenary indulgence and applying it to the soul for whom the privileged Mass had to be, but was not, said. The third (S.C. Ind., 1885) used these words : *Tantummodo sacerdotibus pro quibus postulabatur de ratione qua compensare debebant indulgentiam altaris privilegiati ad quam applicandam obligarentur, et quam bona fide errantes non erant lucrati concessit S. Cong. ut compensatio fieret per applicationem alterius indulgentiæ plenariæ toties quoties illam altaris privilegiati non fuerant lucrati* (A.S.S., xviii, p. 94). Since only a particular concession was granted by the Sacred Congregation, it seems impossible to admit any view except that stated above in the text, and the chief theological reason for the view is that, without the intervention of the Church, which can supply indulgences from her treasury, the indulgence of a Privileged Altar is, of its nature, more effectually gained than a plenary indulgence hoped for from any personal fulfilment of conditions, since the gaining of such indulgences depends on dispositions. The view taken in the text is adopted by Gaudé.²

2. It is obvious that the place for saying a manual Mass may be changed with the reasonably presumed leave of the donor of the stipend, and it must sometimes be changed

¹ cf. Cappello, I, n. 687.

² S. Alph., lib. 6, n. 329, note.

owing to a change of circumstances. If a place equally good is substituted no sin is committed ; if the reason for requesting a definite place for a Mass was of little consequence, any moderately reasonable purpose for changing the place will excuse from sin ; but if the purpose for requesting a special place was very grave and still valid, to substitute another place for the Mass will be a grievous sin. A substitution of place made in foundation Masses will be a grave sin if done frequently, a light sin, if occasionally, v.g., twice a month.

3. The Quality or Kind of Mass

In celebrating a manual Mass for the deceased, unless the donor of the stipend explicitly wished a requiem Mass to be said, the priest satisfies his obligation by celebrating a ferial Mass or a Mass of a Saint for the deceased. Similarly, a requiem Mass may be celebrated for any intention, apart from express contract to the contrary. If a votive Mass is asked for, but the day does not permit it to be said, the priest satisfies his obligation by saying the Mass of the day. If a Solemn or sung Mass is asked for, but a Low Mass is said instead, the application of the Mass is valid, but a Solemn or sung Mass must be celebrated to fulfil the contract. The special application of such second Mass need not, however, be made for the donor's intention.

4. Personal Celebration of Stipend Masses

If the donor of a stipend expressly wishes a definite priest personally to celebrate and apply a manual Mass, no substitution may be made. To substitute another celebrant will be a venial sin, and may be a grave sin if the donor is seriously disappointed. But a reasonable cause will excuse, especially if the substitute is a fervent and devout priest. If the substitute is unknown, or is a careless and indevout priest, it is held that the obligation has not been completely fulfilled, and the priest originally asked must say the Mass, applying to the donor the fruit of his Mass due to his personal devotion.

SECTION 8. The Transmission of Mass Stipends

1. When, in the case of a particular church, alms are so abundant for Masses that the Masses cannot all be celebrated in the church at the proper time, the faithful are to be clearly notified that the Masses will be celebrated there or elsewhere as soon as conveniently possible (c. 836).¹

2. In cases where Masses are to be distributed for celebration, this must be done as soon as possible. The legitimate time for their celebration begins to run from the day on which the priest who is to celebrate the Masses has undertaken the obligation and got the stipends, unless the contrary is obvious (c. 837). This prescription of law refers to administrators of pious causes, heirs and executors of wills, not to Superiors who have undertaken the obligation of having Masses said, for in their case, the time runs from the day of receipt by the Superior.

But another provision of the law (c. 841) makes it incumbent on administrators of pious causes and others in any way bound to fulfil Mass obligations, whether they are ecclesiastics or lay people, to transmit to their respective Ordinaries, in the manner laid down by them, the Mass obligations, which, at the end of the year, have not been fulfilled. If the Masses were manual Masses, the year is reckoned from the day when the obligation was undertaken; in quasi-manual Masses, the year is that year within which the obligations had to be fulfilled. In the former case a longer period may, of course, have been expressly allowed by the donors. In this context, the Ordinary for secular priests and lay people is their local Ordinary; for exempt clerical Religious, their own major Superior. If the obligation was to have Masses celebrated in a particular church or at a particular altar, the Mass obligations are to be fulfilled in those places, as is obvious, and need not be transmitted to the Ordinary. Moreover, a priest is not obliged by this law to deprive himself of all Mass stipends. He may retain a few at the end of the year and say them within a short time, v.g., a fortnight.

¹ S.C.C. stated that the faithful could be notified by a placard put up in the sacristy; July 9, 1921.

3. Those who have a number of Mass obligations which they may freely dispose of may transmit them to priests who are known to them as priests of scrupulous exactness or who are approved by their own Ordinary (c. 838). These priests are to be above all suspicion for their integrity. It appears that a bishop cannot forbid his clergy to send out of the diocese such manual Mass stipends as they may freely dispose of¹; he could, however, forbid foundation Masses or quasi-manual Masses to be transmitted. So, too, if stipends were offered to some sanctuary or place of pilgrimage, the bishop could forbid them to be sent out of his diocese.

In the case of transmitting Mass stipends legitimately, the Mass obligation binds the sender until he has received word that the obligation has been undertaken and the stipend received. The fulfilling of the obligation then rests on the conscience of the receiver, and the sender is quit of all obligation in the matter (c. 839). This provision of law is easier than was the prescription of the decree *Ut debita*.

4. Those who transmit manual Mass stipends to others must send the whole sum received, unless the donor expressly allowed some portion of it to be kept, or unless it is quite clear that the excess—if there was excess—beyond the diocesan standard was given out of regard to the person of the immediate donee (c. 840). Though the canon issues the prohibition without expressing its reason, divines are of opinion that the matter is one of justice, not merely of positive church law. The original recipient acquires the title to the stipend only by a contract; his duty is to celebrate and apply a Mass. The only title to the acquisition of the stipend is an onerous one. The only title to the retention of the stipend is the application of the Mass. The priest, therefore, who celebrates and applies the Mass is the only person who has a just title to the whole of the stipend given. Consequently, if part of the stipend is withheld from the priest who applies the Mass a sin against justice is committed and restitution is to be made to the celebrant of the Mass

¹ S.C.C., Feb. 19, 1921.

not to the donor of the stipend.¹ If the celebrant cannot be traced, restitution has to be made, and the Sacred Congregations have, more than once, urged restitution to pious causes. In every case, justice must be maintained. Furthermore, even the profit derived from changing one currency into another must be given to the celebrant of stipend Masses, apart from the necessary expenses incurred.² The celebrant, however, may freely remit part of the full stipend, but if he is induced to do so by fear or fraud, restitution has to be made to him.

5. When the stipends are quasi-manual (*ad instar manualium*), the canons allow the excess over the diocesan standard to be retained—if this is not contrary to the mind of the founder of the Masses—provided the considerable stipends of the foundation can be regarded as, in part, the *dos beneficii*, or to have been given to help a pious purpose. In such cases, the usual stipend in the place of celebration is what must be given to the celebrant of the Mass (c. 840, 2). In general, this presumption may be made, since the founder obviously wished not only that the Masses should be said, but that the church, for whose benefit the foundation was made, should continue to derive the benefit. Consequently, if a mission is helped by Mass offerings and if these, by custom or statute, are allocated, not to the individual missionaries but to the mission itself, they become part of the *dos beneficii* in a wide sense, and the excess, if any, in the stipends may be retained when Masses are sent away, if it be allowed to send them away.³

6. If the donor of considerable manual stipends does not expressly allow the excess to be used for the adornment of the church or sanctuary, it may not be so used, but Rectors of poor missions which cannot well afford to pay for the celebration of Masses in their respective churches, owing to recurring incidental expenses of wine, candles, vestments,

¹ This is the common opinion amongst divines, and any other view appears improbable ; cf. Verm.-Creus., *Epit.*, II, 107 ; Cappello, I, n. 702. The contrary is held by Ballerini. Noldin, Arregui and Vermeersch-Creusen think that the injustice is against the donor of the stipend, but restitution may be made to the celebrant of the Mass.

² cf. S.C.C. Nov. 21, 1898.

³ Cappello, I, n. 705.

altar linen, when having manual Masses said by a visiting priest, may deduct from the stipend due to him what is necessary to cover expenses. But the full number of Masses, corresponding to stipends, must be applied according to donors' intentions.¹

7. The local Ordinary may allow a small tax to be imposed on visiting priests celebrating in a poor church to cover expenses (c. 1303, 2). He fixes this amount for even exempt Religious. If more is exacted, restitution must be made.²

The Holy See allows, though rarely, part of a Mass stipend to be retained to benefit a church or pious causes, but only for a period.³

SECTION 9. Register of Mass Obligations

The local Ordinary must see that all Mass obligations are fulfilled; Superiors of Religious are similarly bound. The obligation is grave; it is usually fulfilled at visitation. But a local Ordinary may not inspect the register of pious foundations applied to the churches, even parochial, of exempt Religious.⁴

Rectors of churches and other holy places, whether secular or religious, must have a special register in which are entered the Masses to be said, the intentions, the amount of stipend, and dates of celebration. These registers are to be inspected by the Ordinary, personally or by proxy every year.

Local Ordinaries and religious Superiors who distribute Masses to be said by their subjects must record in a register without delay and in due order, the Masses undertaken, and the amounts of stipends, and see that the Masses are said as soon as possible.

All priests must register Masses undertaken and enter the dates of celebration.

¹ Pope Innocent XII, Const. *Nuper a Congregatione*, Nov. 23, 1697 : *Bullar Rom.*, XX (Turin, 1870), p. 806.

² Cappello, I, n. 739.

³ in *Tarraconen*, S.C.C., March 8, 1905.

⁴ S.C. Ep. et Reg., May 11, 1904; c. 1550, but he may demand an account of the administration of foundations and legacies to a religious parish, without prejudice to c. 630, § 4 and c. 1550; P.C.C.J., July 25, 1926.

CHAPTER X

THE MINISTER OF HOLY COMMUNION (cc. 845-852)

SECTION 1. Ministers, Ordinary and Extraordinary

FORMERLY deacons distributed Holy Communion to the faithful, at least under the species of wine. In cases of necessity, they and inferior clerics conveyed It to the homes of the faithful. By degrees, inferior clerics ceased to fulfil this office, and deacons remained the extraordinary minister of Holy Communion. The faithful were accustomed to receive the species of bread in their hands, and administered It to themselves ; they were also permitted to take It home and reserve It and communicate themselves.

1. The ordinary minister of Holy Communion is a priest alone. This office is derived from divine positive law, since Christ instituted it, and gives to priests the power to consecrate and administer the Holy Eucharist. A priest, therefore, has power, in virtue of his sacred Orders to administer the Holy Eucharist, but for the lawful exercise of this power, he requires jurisdiction, which is an ecclesiastical title.

This jurisdiction over proper subjects is possessed by those who have ordinary or quasi-ordinary faculties, namely, all those who in law are styled Ordinaries (c. 198), major Superiors in clerical Institutes, exempt or non-exempt (c. 514), local Superiors in these Institutes, parish priests for all within the parish, seminary Rectors (c. 1368), quasi-parish priests, parochial vicar of a parish annexed to a religious house (c. 471), vicar appointed to a vacant parish (c. 472), vicar substitute (c. 474), assistant curates with full faculties (c. 475), the ordinary confessor of nuns or his substitute (c. 514), the Chaplain of a religious or a pious house who acts for the parish priest (cc. 464, 514). Regulars were formerly forbidden under pain of excommunication to administer Holy Communion in their churches on Maundy Thursday and Easter Sunday.

2. Apart from canonical faculties, as described above, no priest may administer Holy Communion without faculty of

some sort, which, indeed, may sometimes be tacit or presumed. However, faculty is given by law or may be rightly presumed in cases of necessity, of great public or even private benefit, and when and wheresoever any priest legitimately celebrates Mass (c. 846) even in a private oratory, unless specifically forbidden by the Ordinary (c. 869). Holy Communion may now be distributed during Solemn Masses and sung requiem Masses (c. 846), and at Christmas midnight Mass celebrated in accordance either with law or Apostolic indult, unless the local Ordinary for just reasons forbids it in special cases in accordance with canon 869.¹

3. The parish priest alone has the duty and obligation of taking Holy Communion publicly to the sick in his parish ; other priests may do so only in cases of necessity or with at least the presumed permission of the parish priest or local Ordinary (c. 848). It would be a serious sin to violate the right of the parish priest in this respect, if Holy Communion were taken publicly to the sick—a procedure very uncommon in England—or if Viaticum were taken to the sick for its first administration, and of course outside cases of necessity.

4. Any priest may take Holy Communion to the sick privately, that is, without wearing the usual soutane, cotta, stole and humeral veil, and without an assistant minister, with at least the presumed consent of that priest who has legitimate custody of the Blessed Sacrament in the church from which It is taken. This does not imply that the Blessed Sacrament must be taken from the parish church. The local Ordinary is to be the judge as to the sufficient reason for private administration of Holy Communion to the sick, but he is urged not to reserve to himself the granting of permission in each case.²

When Holy Communion is carried privately to the sick, great care must be taken to do so with reverence, and to observe the prescribed Rubrics. In the villages, towns and cities of this country the priest must always wear the stole under his coat ; it is irreverent to carry the stole in

¹ P.C.C.J., March 16, 1936.

² S.C. de Sacr., Jan. 5, 1928.

the pocket. Furthermore, the pyx containing the sacred particle or particles must be suspended round the neck by a cord and, strictly speaking, should be tied firmly on the breast. It is an immemorial custom, inherited from times of persecution in this country, to carry the burse containing the pyx hidden in the inside pocket of the coat. Usually, it is not possible to get any one to accompany the priest, and this prescription of the Rubric is not fulfilled. In country places, all the Rubrics can easily be complied with, and they should normally be observed, both for reverence due to the Blessed Sacrament, and for the edification of the faithful and others, unless custom dispenses from the Rubrics.

5. The extraordinary minister of Holy Communion is a deacon, whose ordination empowers him to assist the priest in the sacred Liturgy. When a deacon administers Holy Communion in virtue of canon 845, at the conclusion of the rite he should give the blessing with his hand as a priest does on like occasions, with the ordinary formula.¹ But in the present discipline of the Church, the deacon exercises this power with dependence on the local Ordinary or the parish priest. The faculty should be granted for a grave reason ; in cases of necessity, it may be presumed ; outside necessity, it should be explicitly given. Necessity arises when Viaticum is to be taken to the sick in the absence of the parish priest ; when Holy Communion is required by the faithful, even from devotion, and the parish priest is unable to administer It ; when the parish priest is occupied in hearing confessions or preaching, or when the number of communicants is very great. The mere desire of a parish priest to gratify a newly-ordained deacon by allowing him to distribute Holy Communion is not a sufficient reason for doing so. Though the case would rarely arise, a deacon who ventured without need or faculty (at least reasonably presumed) to administer Holy Communion to the faithful would sin grievously, but his sin is one of disobedience, not a sacrilege, and still less is it a number of sacrileges in proportion to the number of communicants.

¹ P.C.C.J., July 13, 1930.

It is in no way probable that a deacon acting thus incurs irregularity (c. 985, 7), for he does not exercise an act of those Orders which he does not possess. The defect is one of jurisdiction.

Clerics inferior to deacons, and laypeople, have no faculties to administer Holy Communion, but they may do so in extreme necessity, since the reception of Viaticum is a divine precept and presumed faculty is then sufficient. These clerics or laypeople would incur irregularity by administering Holy Communion without necessity or without due permission.

6. A priest who cannot, for some reason, say Mass, may administer Holy Communion to himself, but only if scandal is precluded, and if there is no legitimate minister available. Whether or not he should use the ministry of a deacon who is available is disputed, when he wishes to communicate merely from devotion. Probably he should not do so, as the canon (c. 845) requires a grave reason for such a procedure. In default of a priest, a deacon may give himself Holy Communion, certainly in danger of death, and probably for any grave reason. Inferior clerics and laypeople may administer Holy Communion to themselves when they could give It to others.

7. The parish priest alone has the right to take Viaticum, whether publicly or privately, to the sick in his parish, without prejudice, however, to the rights of bishops to receive It from dignitaries of the Chapter (c. 397), of religious Superiors to give It to their subjects living in their religious house (c. 514), and even outside the religious house privately, and of nuns with solemn vows receiving It from their confessor or his substitute (c. 514), and of the pastor or Chaplain of lay communities, living in religious or pious houses, giving It to members of such communities (c. 464). The religious Superior would not be entitled to carry the Sacrament publicly, for the right to do so belongs to the parish priest. Furthermore, such Superior can administer Viaticum privately outside the religious house to professed and novices only.¹ The exclusive right of the

¹ P.C.C.J., June 16, 1931.

parish priest extends probably only to Viaticum given the first time to one in danger of death, not to repeated administrations during the same sickness.

SECTION 2. Administration of Holy Communion

1. Holy Communion is to be administered (c. 851) in the species of leavened or of unleavened bread in accordance with the rite of the minister. In cases of necessity, however, when this prescription cannot be observed, either species of bread may be used, but in administering the Sacrament, the minister must observe his own ceremonial (c. 851).

2. The practice of receiving Holy Communion under both kinds was abandoned in the thirteenth century. The Councils of the Church (Constance and Trent) approved of this departure from custom, and the Council of Trent imposed reception under the species of bread alone. It would, therefore, be a grave sin to administer both species, even to a priest. Even in cases of concelebration by the newly-ordained, the species of wine is not administered. In the rare case where there is no consecrated Host to give to a dying person and the species of wine has not yet been consumed in a Mass, it is thought that such a one may be given Viaticum under the species of wine,¹ with all becoming reverence and absence of grave scandal, because the reception of Viaticum is a divine precept, whereas reception under the species of bread alone is an ecclesiastical law, framed to prevent abuses, irreverence and disbelief. If this singular opinion is judged to be probable owing to the reasons given, which, however, have not seemed valid to the great majority of theologians, it does not follow that a priest might give Viaticum in this way to a dying person who could not swallow a Host, for a small particle can be placed in water in a spoon and thus administered.

3. It is forbidden to administer a large Host or several small Hosts merely to satisfy the misguided devotion of a communicant.² It is not forbidden to give several small Hosts to one or more communicants for a good reason, such

¹ Cappello, I. n. 451.

² Popes Innocent XI, Feb. 12, 1679; Benedict XIV, *de Sacr. Missæ*, III, 20, 1.

as the speedier consumption of the particles, if that is necessary, but without scandal, and notifying them beforehand in order to prevent surprise. If, in administering Holy Communion, a priest accidentally gives two Hosts, he should on no account remove one ; he may reassure the communicant if any surprise or excitement appears.

4. In cases of necessity, small Hosts may be broken into several parts and given in Holy Communion ; parts of the Mass Host may be broken off and given to communicants who unexpectedly ask for Holy Communion. In all such cases, irreverence is not necessarily present, but if such things are done without reasonable need, a venial sin of disobedience is committed. The particle administered should not be too small. The Benediction Host may be divided.

SECTION 3. Accidents to the Sacred Species

1. If, in administering Holy Communion, a Host falls on the ground, It must be replaced in the ciborium—unless It has been soiled—the spot cleansed with water and the ablution poured down the sacrarium. It will often be more practical to cleanse the spot with a moistened purificator. If the spot is one that is commonly trodden, the Rubric obliges under grave sin ; if it is not, the cleansing may be delayed till later or even omitted for a good reason, unless a fragment is obvious.¹

2. If the Host fall on to the clothing (or face or beard) of a man, It must be taken up by the priest and administered. If it fell on to the hand, It should be recovered and administered, and ablution of the hand done in the sacristy.

3. If the Host fall on to the clothing or person of a girl or woman it is becoming that she should herself take up the Host and receive It or give It to the priest. If she does so, she should wash her fingers in the sacristy. But if the Host can be easily recovered by the priest, there appears to be no scandal if he himself take It up. If It fall in her hand, she should purify her hand in the sacristy, if this be convenient.

¹ Cappello, I, n. 458.

4. If a Host fall outside the corporal on the altar, the spot should be purified with a moistened purificator.

5. If a drop of consecrated wine fall on the ground, the Rubric bids the priest to absorb It with the tongue, if convenient, and the spot must be sufficiently scraped, the scrapings burnt and cast into the sacrarium. If the drop fell upon the altar cloths or vestments of the priest, a triple ablution is prescribed, and is to be done over a chalice, the ablution being poured down the sacrarium.

SECTION 4. The Treatment of Consecrated Fragments

1. The particles of purification should be consumed with the first ablution of the chalice. If, however, the celebrant has already taken the ablution or ablutions, he should defer purifying the ciborium till next day, if that is possible. If, however, the purified ciborium is urgently required or if it must be purified, the priest may purify it though he has broken his fast.

2. If the celebrant, after he has taken the ablutions, finds fragments belonging to his own Mass, he must consume them if he is still at the altar or if, having returned to the sacristy, he has not put off the Mass vestments.

3. If the fragments do not belong to his own Mass, or if they do, but he has returned to the sacristy and has put off the Mass vestments, he may not consume them unless it is impossible to reserve them in a tabernacle or some becoming place.

4. If a consecrated Host, or a large part of one, is found under the circumstances last described, the priest may not consume It unless it is a very serious inconvenience to convey It to a tabernacle or other becoming place. It requires a graver reason to consume a Host than to consume small fragments.

FRATERNITAS SACRAMENTALES SANCTI I. P. I.

CHAPTER XI
THE SUBJECT OF HOLY COMMUNION
(cc. 853-866)

SECTION 1. The Recipient

EVERY baptized person can and ought to be admitted to the reception of Holy Communion unless forbidden by law (c. 853). The only laws that could forbid reception are divine law and Ecclesiastical law. Every baptized person, not so excluded, has a divine sanction for the exercise of this right. Those who have not been baptized by water have no right to this Sacrament, for they do not belong to the corporate visible body of the Church.

Ecclesiastical law forbids the administration of this Sacrament to those who have not the use of reason, and administration of It to the same person twice on the same day, except in case of Viaticum and in the necessity of safeguarding the Sacrament from irreverence. In the present discipline of the Church, and since about the twelfth century, the Sacrament is not given to children who have as yet no knowledge and desire of the Sacrament. This age of discretion, as it is called, is determined by the canons, in respect of reception in danger of death, as the age when a child can discriminate between the Body of Christ in the Sacrament and common food. At that age, the child has a right to receive Holy Viaticum. Outside the danger of death, the Church demands a fuller knowledge of Christian doctrine and a more exact preparation for reception of this Sacrament. The fuller knowledge demanded is that of those mysteries of the Faith, the knowledge of which is necessary for salvation, but a knowledge in accordance with the child's intelligence. The more exact preparation means such appreciation of the Sacrament that a child can approach It with a devotion commensurate with its years. The age of discretion for Holy Communion outside the danger of death is precisely the same as that demanded for confession

of sin. At that age, the child is bound to fulfil the precept of annual confession and paschal Communion.

The decree *Quam singulari* and the canons have set at rest all controversies on the age for Holy Communion. The confessor is to be the judge in the first instance of the fitness of a child for First Communion. Parents may truly judge a child's mental capacity, but they should not act independently of the confessor. The pastor has a duty of seeing that children do not approach the Sacrament before the use of reason and without sufficient dispositions. He has the duty of examining the mental capacity of the child. He is also obliged to see to it that when children have reached the use of reason and are sufficiently disposed for the Sacrament they should approach It without delay (c. 854). Where a confessor is considered unreasonably severe, parents may seek the advice of another confessor or consult their Ordinary. If the pastor is unreasonable, though the confessor's approval has been given, parents may take their child to another church for first Holy Communion. It appears that the confessor's right to admit a child to first Holy Communion should not be questioned by the parish priest. Only in very obvious cases of unfitness, where a confessor has clearly made a mistake, could a parish priest set aside the decision of the confessor.

2. The Sacred Congregation of the Discipline of the Sacraments laid down the following rules in respect of the First Communion of children, and these rules are to be observed everywhere :

(a) The age of discretion for confession and Holy Communion alike is the age at which a child begins to use its reason. From that time begins the obligation of confession and Communion.

(b) A full and perfect knowledge of Christian Doctrine is not necessary for First Communion. But afterwards, the child must gradually learn the whole Catechism according to its capacity.

(c) The necessary religious knowledge for the child is the knowledge, according to its capacity, of the mysteries of the Faith necessary to salvation, and the knowledge that

distinguishes the Eucharistic bread from common and material bread, so that the child may approach the Sacrament with the devotion that befits its age.

(d) The decision as to a child's capacity to receive Holy Communion rests with the confessor and the parents or those who take the place of parents.

(e) Parish priests are to announce and hold, once or several times in the year, a general Communion of children. Days of instruction and preparation are to precede.

(f) Those who have charge of children must take the greatest care that after their First Communion the children approach the Holy Table very often, daily, if possible, as Jesus Christ and our Holy Mother the Church desire it, and that they should approach It with such devotion as their age allows. They also have the grave duty of seeing that the children are present at the public lessons of Catechism, or of supplying the instruction in some other way.

(g) The refusal to administer Viaticum and Extreme Unction to children who have reached the use of reason is a detestable abuse.¹

The decree is appointed to be read in the vernacular every year, at the time of the paschal precept, and Ordinaries have to render an account, every five years, of the observance of this decree.

3. Persons who are complete mental defectives from birth are not allowed to receive this Sacrament, and are to be treated in this respect like infants below the age of discretion. If, however, the mental deficiency is not complete, and exists in respect of some things only but not of others, and not, in point of fact, concerning the Eucharistic food, such defectives may receive the Sacrament both in danger of death and outside that danger, as children who have attained sufficient discretion. The same application may be made to those who have intervals of mental lucidity, though congenital defectives.

Persons born deaf, dumb and blind were generally con-

¹ A baptized Catholic child, having the use of reason, in danger of death from sickness, who has not made first confession nor first Holy Communion, should confess, be confirmed, receive Viaticum, Extreme Unction, and the Last Blessing.

sidered incapable of sufficient instruction for the reception of the Sacrament. However, in those rare cases in which sufficient instruction has been given, such persons are to be treated as normal children. This conclusion is still more true of those born without the use of one or other of the senses, for though their discretion comes later, it comes nevertheless, as those testify who train the blind or the deaf and dumb, and as even a slight acquaintance with these defectives abundantly proves. In fact, one may say that those who are blind, being exempted from innumerable mental distractions, have often a clearer spiritual perception than the rest of mankind.

Holy Communion should not be given to lunatics without the most careful precautions taken against irreverence, and without moral certainty that such recipients understand what they are receiving. To these, as to epileptics and the demented, Holy Communion may be given in danger of death, provided that there is no danger of irreverence, and that they have expressed in some way a desire to receive the Sacrament.

Holy Communion may not be given to those possessed by the devil whilst they are not rationally conscious. When they are conscious and know what they are receiving, Holy Communion may be given to them frequently, for this Sacrament is the greatest antidote to all diabolical invasions.¹

Holy Communion may not be given to the sick during a paroxysm of coughing or when the sick person is constantly vomiting. In regard to the latter cases, the malady may be due to many kinds of sickness; vomiting may cease after a few minutes, it may constantly recur for hours together. A doctor will know when it is safe to administer Holy Communion.² In cases of intermittent coughing, if the Sacred Host has been swallowed, there is no reasonable fear lest It may be rejected with the phlegm, which comes from the trachea.

¹ cf. *Une Possédée Contemporaine* (1834-1914), Hélène Poirier de Coullons, for examples of Holy Communion given to one possessed.

² Capellmann, *Medicina Pastoralis*, p. 123.

This Sacrament should not be given to such as lose consciousness in the act of sinning, or who, after a continued evil life, suddenly lose consciousness and are in danger of death, unless some probable sign of repentance has been given by them, and then only, if there is a reasonable chance of the Sacred Host being swallowed. A test may be made with a small particle of unconsecrated wafer or some common food. In the likelihood of irreverence, only conditional absolution and Extreme Unction may be given.

It would be irreverent to place the Sacred Host on the tongue of one who is dead. Cases are reported of the Host being placed upon the breast of a dead person and thereafter disappearing.

Those who are publicly, notoriously and obviously unworthy to receive this Sacrament are to be excluded from It, unless they have given clear signs of repentance and conversion, and have repaired the public scandal given. Amongst such are the excommunicate, the interdicted, those who are manifestly infamous, public sinners, persons living in concubinage, those who have been married in opposition to the laws of the Church and have not had their marriage rectified, those who are members of forbidden Societies, those engaged in clearly dishonest or sinful occupation. The excommunication and interdict here mentioned apply to cases only when declaratory or condemnatory sentence has been given (c. 2232). The infamy mentioned refers to infamy of law and of fact (c. 2293). When there is no public scandal to repair, confession known to have been made suffices as proof of conversion; sincere and devout approach to receive Holy Communion may also be a sufficient proof. But proximate occasions of sin and continued dishonesty or injustice must be first abandoned before the Sacrament may be received.

Occult sinners who approach the Sacrament privately and are known, by the minister, to be unrepentant must be excluded from this Sacrament, not, however, in cases where there would be violation or a danger of violation of the seal of confession, for then the minister must necessarily co-operate, though materially only, in a sacrilege committed

by the recipient. When occult sinners approach the Sacrament publicly, if they cannot be excluded from It without scandal to others or loss of reputation to themselves, the Sacrament must be administered. In case of doubt, they should have the benefit of the doubt. If their sin is public elsewhere, but occult where they seek the Sacrament, and likely to remain occult, they may not be refused.

**SECTION 2. Dispositions of Soul for worthy
Reception of the Sacrament**

1. These dispositions of soul in the recipient of Holy Communion are necessary, namely, right intention, the state of grace, and freedom from ecclesiastical censure.

In those who have the use of reason, some intention of receiving the Sacrament is essential for validity, for in the present order of Divine Providence God does not sanctify us without our consent. This consent must be a positive act of the will removing the obstacle of a contrary dissent, so that mere passive, involuntary, or jocose reception is only a material reception, and is therefore invalid, that is, no grace can be received. But an habitual intention certainly suffices, explicit outside the danger of death, implicit in the danger of death. Consequently, both a knowledge of and a desire for this Sacrament are necessary.

2. One who receives this Sacrament in conscious unforgiven mortal sin is guilty of grave sacrilege. Furthermore, those who are conscious of being in the state of mortal sin, however contrite they may think themselves to be (even if they are, in fact, contrite), may not receive Holy Communion without previous sacramental confession, but if there is urgent need to receive the Sacrament and if no confessor is available, reception is permissible after an act of perfect contrition is made (c. 856). This Sacrament is a Sacrament of the living, that is, of those already in grace, and presupposes the absence of the guilt of grievous sin. Whether this precept of previous confession is divine or merely ecclesiastical is not certain. Those who think it a divine precept appeal to the teaching of some of the

Fathers (Leo, Augustine,¹ Cyprian), and to the words of S. Paul, namely : " Let a man prove himself and so eat of this Bread " (*δοκιμαζέτω*, a word used of assaying, testing, sifting, approving as fit for an office, undergoing a scrutiny). This view is highly probable. But in any case, the precept, in the opinion of all divines, is a grave one.

3. From this doctrine, certain conclusions are derived.

(a) When an intending communicant remembers a grievous sin inculpably omitted in confession, if he had conceived universal sorrow for all grievous sins, as is generally the case, there is no obligation of confessing that forgotten sin before reception, for he is in the state of grace, and that state has been acquired by confession. Obviously, that sin must be confessed in the next confession if it is remembered, but until the next confession, Holy Communion may be received as often as wished. For peace of conscience, such a one may be advised to confess, but without any obligation imposed.

(b) In cases of doubt as to the state of grace, the doubt should, if possible, be set aside by acting on presumptions. Thus, the remiss and careless may well be advised to confess at least their doubt ; habitual sinners should be strongly urged to confess ; good pious Catholics need not confess ; the scrupulous ought not to confess.

(c) Even if the doubt be a serious one and well-founded, but not amounting to moral certainty, confession is not obligatory, for the person is not conscious of certain grievous sin. Whether or not such a one should, without confession, seriously endeavour to make an act of contrition before receiving Holy Communion, as, indeed, before receiving any other Sacrament of the living, is a matter of controversy. Many divines think that it should be made, for there is a certain obligation of not exposing a Sacrament to the probable danger of nullity.²

¹ S. Aug., *Sermo 252 de tempore* (*Office of the Dedication of a Church, lect. V*), seems to imply that an act of contrition was sufficient, but in *lect. IX, ser. 3 infra Oct. C. Christi*, he appears to speak of venial sins only.

² cf. Génicot, II, nn. 131, 192 ; Noldin, III, n. 141 ; Lehm., II, n. 205 ; Cappello, I, n. 491.

(d) The necessity of communicating without previous confession of grievous sin must be a grave one. This necessity is considered to be present when Holy Communion cannot be omitted without grave scandal or defamation of character. The need would certainly arise if a priest was obliged to celebrate Mass, if during Mass the celebrant should commit a grievous sin, if a communicant is already at the altar rails, if a member of a family, or of a religious association, cannot withdraw from Communion, if newly-married persons must receive at the Nuptial Mass, if a priest is to say his first Mass in presence of a concourse of friends or of the faithful, if a child has to receive First Communion. The loss of a stipend for a given Mass, if considered by itself, would normally not constitute a grave necessity of celebrating.¹

4. A confessor is considered not available in the following cases: When there is no confessor in the place, when a confessor elsewhere cannot be approached without serious inconvenience, such as the difficulty of a journey of two hours, when a penitent is infirm, or very old, or very occupied, or if the roads are difficult, the weather bad, the time short and so on. The inconvenience must be considered relatively. Again, the obligation ceases when the confessor could not understand, or would not hear confessions at all, or has no jurisdiction, or is excommunicate; or if the penitent could not confess without serious harm to another, such as would arise in confessing a sin the accomplice in which would become known to the confessor; or if the penitent cannot confess without some grave harm to himself that is entirely extrinsic to confession, such as great scandal given to a young confessor by a sin of his Superior or an older priest, or one justly reputed to be holy; or when it is feared, with reason—for such dangers should not be lightly presumed—that the seal will be violated by a loquacious confessor, or when a servant justly fears dismissal from service if he or she confesses.

It is not considered sufficient excuse for omitting confession if one's ordinary confessor is absent or if there is

¹ Verm., III, n. 317.

only a small choice of confessors, two or three, or if only one is available.

A controversy in this matter has arisen within the last few years on the necessity of confessing in cases where great and invincible repugnance is felt towards the confessor, who, it is supposed, is the only one available. Up to within recent years, very few authors admitted the excuse, maintaining that such repugnance and shame were intrinsic to and essentially connected with confession, for we may never conceal a sin in confession merely because of a repugnance in telling it, or because we may lose the good opinion of the confessor in that respect. Even if it be admitted that this repugnance to confessing is intrinsic to confession, some few authors hold that recourse may then be had to *epieikeia*, or the reasonable interpretation of law, which is probably only ecclesiastical. This reason, we believe, is not valid, and if admitted, it would be thought to avail in so many cases that integral confession would be dispensed with very readily. The other reason alleged is more convincing, and appears at least arguable, namely, that the repugnance and shame spoken of above is really extrinsic to the confession made to a particular confessor, though it is not extrinsic to confession in general. The difficulty experienced by a sister in confessing to her brother, or a mother to her son, or a Rector to his curate, or an old priest to a young inexperienced priest may, indeed, be so great in a given case, owing to extrinsic relations, that, in the opinion of many modern theologians it is a difficulty that is really extrinsic to the given confession, and excuses from confession before Holy Communion, if such were normally necessary. In view of the many modern authors who hold this view, it is reasonable to admit that the view is probable and may, therefore, be acted upon. This is true in theory, but we believe that a confessor should be very slow to allow a penitent to act upon the view, since it is one that is easily misunderstood and misapplied.¹

¹ For the view may be quoted : Génicot, II, n. 193 ; Noldin, III, n. 142 ; Lehm., *Casus*, II, p. 95 ; Ferreres, II, n. 429 ; Berardi, III, n. 338 ; Gousset, II, n. 193 ; Kenrick, *de Euch.*, pt. 1, c. 4, 2 ; Cornelisse, III, n. 134 ; Arregui,

In cases where a penitent has to confess only a reserved sin, with or without censure attached, or has both reserved and unreserved sins, or a sin reserved on account of its annexed reserved censure, there is an obligation to confess such sins before Holy Communion, for any approved confessor can directly absolve both sin, and (*in foro interno*) censure (cc. 900, 2254).

5. For lawful reception of Holy Communion, the recipient must be free from censure and interdict (cc. 2260, 2275).

6. Holy Communion may not be received twice on the same day except to receive Viaticum, or to safeguard the Blessed Sacrament from profanation.

In regard to receiving Holy Communion soon after marital intercourse or involuntary pollution, or voluntary pollution confessed and absolved, the confessor should decide. Involuntary pollution is not a ground for abstention, unless either the imagination is so preoccupied with phantasms that devotion is hampered, or abstention would conduce to a more fervent reception in the near future.

SECTION 3. Bodily Dispositions for Holy Communion

1. The recipient of the Blessed Sacrament, whether priest or lay person, must be fasting for the time laid down by the law of the Church. This law imposes a grave obligation, and apart from the cases of Viaticum, preserving the Blessed Sacrament from irreverence, and of reception by the sick in certain circumstances, and of well-defined exceptional cases, to be discussed later, it admits of no exception without dispensation, and extends to the smallest quantity of food or drink taken as such. The natural or Eucharistic fast is distinguished from the ecclesiastical fast, in that the former connotes abstention from all food or drink except water, the latter does not.

Comp., n. 545 ; *Acta Pontificia*, 1921, p. 434 ; Cappello, I, n. 490 ; Vermeersch, III, n. 317, 2 ; Pighi, III, n. 142 ; Ubach, II, n. 587, n. 4. Amongst older authors the following have been cited: Ricardus, Armilla, Sylvester. Some few modern authors do not admit the view, and some do not even treat of it.

2. By the *Motu Proprio* of Mar. 19, 1957¹ the following rules for the Eucharistic fast were laid down by His Holiness Pope Pius XII:

(a) Priests and the faithful are bound to abstain for three hours from solid food and alcoholic beverages, for one hour from non-alcoholic beverages, before Mass or Holy Communion respectively. Water does not break the fast.

(b) From now on, also, those who celebrate Mass or receive Holy Communion at midnight or in the small hours of the morning must observe the times of fasting as given in No. 1.

(c) The sick, even if they are not confined to bed, may take non-alcoholic beverages and genuine medicines, both liquid and solid, before Mass or Holy Communion respectively without time limit.

"However," His Holiness added, "we fervently exhort the priests and the faithful who are in a position to do so to observe the old and venerated form of Eucharistic fasting before Mass and Holy Communion."

The fast from midnight was thereby abolished, and the concessions granted by the Apostolic Constitution *Christus Dominus* ceased to be dispensations and were embodied, somewhat modified, in the common law of the Church.

No permission is granted to the faithful to communicate in the afternoon except at Mass or immediately before or after it (cf. *Christus Dominus*) but wide powers are given to the bishops as regards evening Masses. They—but not Vicars General without special mandate—are authorised to permit the celebration of Holy Mass in the afternoon any day so long as this is required for the spiritual good of a considerable number of the faithful.

On Dec. 11, 1956, the Holy Office granted to the Ordinaries of England and Wales an indult allowing priests who have to celebrate two or three Masses on Sundays or feasts of precept to take non-alcoholic drink even within an hour of beginning Mass.

3. In real, positive, and sincere doubt as to the violation of fast, the law does not bind. What the law prescribes is

¹ A.A.S., XLIX, p. 177.

that one who is certainly conscious of having taken food or drink after the prescribed time may not receive Holy Communion on that day, exception being made for the dying and, in certain circumstances, for the sick.

SECTION 4. Violation of the Eucharistic Fast

A few rules have been given by divines for the guidance of confessors and penitents in this matter which, however, must be applied, not too casuistically, but with sound common sense. There are, then, four conditions required for the violation of the fast. These are :

1. That which is taken as food or drink must have been taken exteriorly, i.e., from outside the mouth. Consequently, it is not a violation of the fast to swallow blood from the gums, or teeth, or tongue, or nasal cavities ; it would be a violation of the fast to swallow blood flowing externally from the exterior parts of the lips, or from a cut finger, or from the nose, or to swallow tears, unless in each case only a few drops entered the mouth and were mingled with the saliva. It is not a violation of the fast to swallow small remnants of food already in the mouth after midnight, however long after, for they are not taken from outside, but are mixed with the saliva,¹ but food (v.g. sweets, lozenges, sugar, edibles), put into the mouth deliberately before midnight and then swallowed after midnight would violate the fast, for they cannot be considered as mere remnants of food.²

2. Secondly, what is taken must pass from the mouth into the stomach, so that the fast is not broken if liquid is taken into the mouth, as an antiseptic or for gargling, and is not swallowed. On the other hand, a sweet dissolved in the mouth violates the fast.

3. The third condition for violation of the fast is that what is taken must be taken by the action of eating and drinking. Inadvertence has no bearing on the matter, for food or drink taken inadvertently, or drink given to a

¹ This is expressly stated in the Rubrics of the Missal, *de Defect.*, IX, n. 3.

² Cappello, I, n. 500.

patient during sleep, violates the fast. On the other hand, the Rubrics of the Missal expressly state that the fast is not violated if a drop (*stilla*) of water is unintentionally swallowed whilst washing the mouth ; and this is true even if the water was not mixed with the saliva, much more so, if any liquid is mixed with the saliva and unintentionally swallowed, as when small drops of water adhere to dental plates. The same is stated of drops of wine or broth tasted by mixing with the saliva and of a few drops of blood sucked from the finger when pricked with a needle or thorn, for the blood is certainly mixed with the saliva.¹

The fast is violated when the smallest quantity of liquid is deliberately and consciously swallowed, or when a larger quantity is swallowed inadvertently, because in neither case can the liquid be said to have been mixed with the saliva. The fast is not violated when such things as snow, rain, dust, insects, are inadvertently swallowed in the act of inhaling the breath. Still less is it violated if vapour is inhaled for affections of the throat or chest, nor by the taking of snuff, nor by smoking, nor by chewing tobacco or other substances, provided the stimulated saliva is rejected ; a very small quantity of juice or particles mixed with the saliva and swallowed would not violate the fast. The practice of chewing such substances should be avoided, unless there is some necessity of purifying the breath, for to indulge in this practice, merely from habit or pleasure, is unbecoming, and would be a venial sin. The habit of some children of biting their nails does not affect the fast, but biting off and swallowing pieces of finger skin might do so, if the particles were more than the smallest and not mixed with the saliva. But even this is doubtful, and in the concrete a penitent need not be deterred from receiving Holy Communion because he or she has inadvertently bitten skin off the fingers.²

It is obvious that injections of nutritive substances do not violate the fast, nor does a nutritive suppository.

It is very probable, though this is not admitted by all divines, that the use of a stomach pump for flushing the

¹ Cappello, I, n. 502.

² Ubach, II, n. 589, 2.

stomach with water does not violate the fast. A reply of the Holy Office, April 23, 1870, in which the petitioner referred to the Holy See for a dispensation, is not considered to have settled the matter.¹ It is generally held that if the stomach pump is smeared with oil or similar material, the fast is broken, for there is then some nutritive substance deliberately taken.

When a stomach pump is employed for the introduction of milk, soup or other nutritive matter into the stomach, even though it is not retained but rejected, the fast is violated, whether the injected liquid be intended to nourish or merely to flush.

If, in bathing, a sensible quantity of water is swallowed directly through the mouth the fast is violated, or if any food or drink is forcibly put into one's mouth by another person and is swallowed.

4. The fourth condition for violating the fast is that what is taken must have the character of food or drink ; medicine, solid or liquid, is included.² But a thing may be said not to have the character of food for either of two reasons, first, because it is not digestible, and therefore cannot serve as nutriment, or secondly, because it is not generally considered food. The former criterion is commonly adopted, but it labours under the disadvantage that there are many things which do not appear to be food, which yet can be changed by the internal secretions, and can be partly digested. It appears better, therefore, to adopt the following rules³ :

(a) What is thought to be food, but which, as the science of chemistry proves, cannot be changed or digested, is not food at all, and will not violate the fast, as paraffin.

(b) What is commonly considered not to be food at all, but which the science of chemistry proves to be alterable and digestible, is not to be ranked as food, and will not violate the fast.

Relying on these rules and on the common opinion of divines, the following conclusions have been adopted :

Metallic substances in specie (gold, silver, iron, lead, etc.)

¹ cf. Cappello, I, n. 502, h, note 20 for the full text.

² Rubrics of the Missal, *de Defect.*, IX, n. 1.

³ Cappello, I, n. 503.

do not violate the fast, but if taken as powder and chemically treated, as iron jelloids, bismuth, charcoal tabloids and powder, sulphur, they do certainly violate the fast. The same is true of stone, and glass, probably of earth and chalk. Straw and green branches are nutritive, but not dry wood; human hair is not digestible, nor, probably, human nails. Wax is digestible and also linen and cotton, but neither silk nor wool; paper is not certainly food, nor are dried fruit stones cleansed of all fruit, though the kernel is food.

5. The sick may take medicine, solid or liquid, before Holy Communion. In *Christus Dominus*¹ it was laid down that the laity must consult a prudent confessor before using this permission and that his advice was to be followed. This condition is not reaffirmed in the *Motu Proprio*, but it would seem prudent that the laity should act in accordance with it. The Congregation of the Holy Office has issued two replies and explained the term *per modum potus*, as including soup, coffee, milk and other liquid food, even though mixed with such substances as semolina, crumbs of toast, beaten egg, provided the mixture does not lose its character of liquid food.² Probably raw and very lightly boiled egg may be considered liquid food.

6. S.R.C. ordered the following changes in the rubrics of the Missal, June 3, 1953³:

If remnants of food remaining in the mouth are swallowed they do not break the fast.

If a priest celebrates more than one Mass in a day, without an interval, he takes the ablutions only in the last; if with an interval (or intervals), he may take the ablutions in the earlier Masses, but only in water. If inadvertently he takes wine in the ablution, he is not forbidden to celebrate a second or third Mass.

Non-fasting Holy Communion may be received:

1. In danger (even probable) of death from any cause.
2. In illness as already explained (sect. 5. supra).
3. In the necessity of completing the sacrifice.

¹ A.A.S., XLV, p. 15 & p. 47.

² June 4, 1893; Sept. 7, 1897.

³ A.A.S., XLVI, p. 68 f.

4. To consecrate a host for Viaticum.
5. To fulfil the paschal precept (but an indult should be sought).
6. In danger of grave harm, scandal, or defamation as in the following cases:
 - (a) When Mass must be continued by a non-fasting celebrant.
 - (b) When a public Mass must be celebrated for the people to fulfil their obligation.
 - (c) When one cannot refrain lest he defame himself.
 - (d) When a newly-ordained priest must celebrate his first Mass after inadvertently violating the fast, to avoid scandal or defamation.
 - (e) When a child is to receive first Holy Communion after inadvertently breaking the fast in order to avoid very great confusion or scandal.
 - (f) When the Blessed Sacrament must be safeguarded from profanation.
 - (g) When a child under seven years of age receives Holy Communion. Some authors hold this view because the fast is imposed by Church law. The view should not be taught nor acted upon owing to likely scandal.

SECTION 5. Obligation to receive Holy Communion

1. The Divine Precept

1. The divine precept is expressed in the following words: "Unless ye eat the flesh of the Son of Man and drink His blood, ye shall not have life in you" (Jn. 6, 54). The precept enjoins reception in danger of death from any cause and also several times during life. The Church has determined the frequency by the paschal precept.

2. Neither the divine nor the ecclesiastical precept can be fulfilled by an unworthy Communion (c. 861). The contrary was condemned by Pope Innocent XI (1679). The unbaptized are mediately affected by the precept, inasmuch as they are bound to seek Baptism, thus becoming members of the Church and subject to this precept. Those who are capable of reception but are indisposed spiritually

are obliged to render themselves fit to receive Holy Communion. Some divines have held that Holy Communion at least in desire (*in voto*) is essentially necessary for salvation as a means *sine qua non*. The view is not now defended.

3. It is maintained in this section that Viaticum is matter of divine precept. This view is very commonly held, but some authors think that it cannot clearly be proved, and that the Church has determined in particular the incidence of the obligation.¹

2. The Ecclesiastical Precept

1. The ecclesiastical precept of reception is expressed in the canons (c. 859): "All the faithful, having arrived at the age of discretion, which is usually the seventh year completed, but may be earlier, are bound to receive the Holy Eucharist once a year, and that at Easter, unless, by chance, with the advice of their priest (i.e., bishop, parish priest or confessor) it is thought better, for some reasonable cause, to defer it for a time." There is expressed, therefore, a twofold obligation, one to receive once a year, and this is partly a divine, partly an ecclesiastical precept, the other to receive at Easter, and this is an ecclesiastical precept. Both obligations are grave. A privilege is granted to the faithful on the occasion of spiritual exercises given by certain missionaries that they may fulfil the obligation of annual confession and Holy Communion during the time of the mission, with the consent of the local Ordinary. This consent would normally be sought by the missionaries. Paschal time, in this context, runs from Palm Sunday to Low Sunday, both inclusive, but the period may be anticipated, but not before the fourth Sunday of Lent, or extended, but not after Trinity Sunday, by the local Ordinary for any or all actually in his diocese. Nevertheless, particular Papal indulgences are given in some countries to anticipate or extend the period beyond the limits laid down in the canons. The time may not be anticipated at the choice of an individual, so that if Holy Communion is received even one day before the time fixed by authority, paschal

¹ cf. Cappello, I, n. 471; Verm., III, n. 402.

Communion is not made, and the precept has to be fulfilled, unless, indeed, the recipient had foreseen some impediment that would persist all during paschal time, and wished to compute the year from January. But if the precept of paschal Communion is not fulfilled, it still binds (c. 859, 4). Children who have come to the use of reason are not bound to receive Holy Communion immediately. Thus, a child who reaches the age of reason after Easter, may wait till the following Easter, and one who reaches that age in January, is not bound to receive Holy Communion at the Easter of that year, but must, nevertheless, receive within the year.¹

2. A person who has not received during the fixed period is not bound to receive as soon as possible, but certainly must receive within a year from the last Communion, or he is at liberty to adopt the calendar year as his period. One who foresees that he will be unable to receive Holy Communion later, must receive It at once if the time for fulfilling the precept has begun.

One who foresees that he will be unable to receive during paschal time is probably not bound to anticipate. Neither parish priest nor confessor could change the time of the obligation, though he might well advise reception before the paschal time. If either did so advise and Holy Communion was received, and if the obstacle to reception during the ensuing paschal time ceased to exist, such person would be obliged to receive Holy Communion, because the paschal precept would not have been fulfilled by him. The Ordinary, however, could give permission to anticipate paschal Communion (c. 81).

3. The place for receiving paschal Communion was formerly the parish church and the person to administer It was the parish priest. By this prescription, mutual edification and help were given, the parish priest had his rights recognized and could know who had received. Particular Councils urged the prescription, and general custom enforced the practice. The canons, though allowing the faithful to receive paschal Communion outside their

¹ Cappello, I, n. 475.

respective parishes, recommend that It should be received therein (c. 859), but in case It has not been so received, the parish priest should be told. Some divines think that this prescription imposes a light obligation, others, that it is a matter of counsel only.

4. Children who have reached the years of discretion are bound to receive paschal Communion, and the obligation of seeing that they do so is laid, by the Church, on those who are obliged to have the care of such children, namely, parents, guardians, confessors, teachers and parish priest. There is no doubt but that parents are obliged most of all to see to the fulfilment of this precept, since they are obliged by divine law to bring up their children in the Catholic Faith.

5. Sacrilegious reception of Holy Communion does not satisfy the paschal precept (c. 861), for sacrilegious reception in no way fulfils the divine precept, and the Church merely determines the time for fulfilling the divine precept. Provided the paschal precept is actually fulfilled, the intention of fulfilling it is not necessary ; in fact, the deliberate intention of not fulfilling it as a precept does not, obviously, exclude actual fulfilment.

6. It is a matter of counsel, not of precept, that all clerics, defined (c. 108) as those who have received the first tonsure and are thus segregated for the sacred ministry, should receive Holy Communion on Holy Thursday during Solemn or Conventual Mass. Those priests are included who, on that day, abstain from offering Mass. It is a matter of precept that clerics attached to a cathedral church should receive on that day, for the canons have not abrogated those general liturgical laws that have not either been specially abrogated or have not fallen into abeyance.¹

7. Those who receive any of the major Orders are bound to communicate at the ordination Mass (c. 1005), and those who are ordained priests are bound to communicate at the ordination Mass, just as every priest is bound to receive Holy Communion at the Mass which he celebrates.

¹ cf. *Cær. Epist.*, lib. 2, c. 23, n. 25 (de Herdt); Cappello, I, n. 479; Ayrinhac, *Legislation on the Sacraments*, n. 155.

SECTION 6. Frequent Communion

The faithful are to be urged to receive Holy Communion frequently, and even daily, in accordance, however, with the rules laid down in Apostolic decrees, and when they assist at Mass, they should, if rightly disposed, receive It sacramentally, and not merely with spiritual affection (c. 863).

The early Christians received Holy Communion once a week, for they assisted at Mass each Sunday. In some churches of Africa they received daily. But so holy and laudable a practice became rarer, until even good Catholics considered it almost presumptuous to receive outside the more solemn feast days. Great Saints appear not to have felt justified in receiving more than once a week, nor in advising others to receive more frequently.

The official teaching of the Church was never opposed to frequent and even daily Holy Communion; in fact, frequent reception was always, if not universally, recommended.

The Council of Trent wished that the faithful present at Mass, should receive Holy Communion.¹ The Roman Catechism urges parish priests to exhort the people to receive It frequently.² S. Thomas advocated daily Communion,³ provided the recipient finds himself prepared for It, and adds that to receive daily is laudable.⁴ The Church never demanded extraordinary dispositions for daily Communion. Indeed it constantly opposed the exclusion by some theologians, of certain classes of people, as merchants and the married.⁵ In 1690, Pope Alexander VIII condemned the proposition postulating a perfectly pure love of God, without any admixture of defect, as requisite on the part of those who wished to approach the Holy Table. The decree

¹ Conc. Trid., s. 22, ch. 6.

² Pt. ii, c. 4, q. 58.

³ S., 3, q. 80, a. 10, ad 1 et c.

⁴ cf. *Dict. de Theol.*, s.v. *Frequente Communion*, for the history of opinion on daily Communion.

⁵ S.C.C., Feb. 12, 1679.

of the Congregation of the Council (1905) set forth the teaching of the Council of Trent on the subject, and a further decree *Quam singulari* was issued by the Congregation of the Sacraments (Aug. 8, 1910), on the age of those who are to be admitted to their First Communion. Therefore, the Church clearly expressed her desire that the faithful should be admitted to Holy Communion from their tenderest years and should receive It daily, if possible, that they might thence derive strength to resist their sensual passions, to cleanse themselves from the stains of daily faults, and to avoid those graver sins to which human frailty is liable.

The *Codex Juris* has canonized all previous legislation on this subject, so that the Church now definitely expresses in the canons what it has always wished to be the practice of all the faithful without distinction. Parish priests and confessors would not, therefore, be acting in accordance with the teaching of the Church if they deterred the faithful from daily Communion, provided that the latter approach It with those dispositions clearly enunciated by the Church. The mind of the Church will best be understood by a study of the actual words of the decree *Sacra Tridentina Synodus* on frequent Communion.

The Decree on Frequent Communion, Dec. 20, 1905

1. Frequent and daily Communion, as a thing most earnestly desired by Christ our Lord and by the Catholic Church, should be available for all the faithful, of whatever rank and condition of life ; so that no one who is in the state of grace, and who approaches the Holy Table with a right and devout intention, can lawfully be hindered therefrom.

2. A right intention consists in this, that he who approaches the Holy Table should do so, not out of routine, or vain-glory, or human respect, but for the purpose of pleasing God, of being more closely united with Him by charity, and of seeking this divine remedy for his weaknesses and defects.

3. Although it is most expedient that those who communicate frequently or daily should be free from venial sins, especially from such as are fully deliberate, and from any affection thereto, nevertheless it is sufficient that they be free from mortal sin, with the purpose of never sinning in future; and if they have this sincere purpose, it is impossible but that daily communicants should gradually emancipate themselves even from venial sins, and from all affection thereto.

4. But whereas the Sacraments of the New Law, though they may take effect *ex opere operato*, nevertheless produce a greater effect in proportion as the dispositions of the recipient are better, therefore, care is to be taken that Holy Communion be preceded by serious preparation, and followed by a suitable thanksgiving, according to each one's strength, circumstances, and duties.

5. That the practice of frequent and daily Communion may be carried out with greater prudence and more abundant merit, the confessor's advice should be asked. Confessors, however, are to be careful not to dissuade any one from frequent and daily Communion, provided he is in a state of grace, and approaches with a right intention.

6. But since it is plain that, by the frequent or daily reception of the Holy Eucharist, union with Christ is fostered, the spiritual life more abundantly sustained, the soul more richly endowed with virtues, and an even surer pledge of everlasting happiness bestowed on the recipient, therefore, parish priests, confessors, and preachers—in accordance with the approved teaching of the Roman Catechism¹—are frequently, and with great zeal, to exhort the faithful to this devout practice.

7. Frequent and daily Communion is to be promoted especially in Religious Orders and Congregations of all kinds; with regard to which, however, the decree *Quemadmodum* issued on December 17, 1890, by the Sacred Congregation of Bishops and Regulars, is to remain in force. It is also to be promoted especially in ecclesiastical seminaries, where students are preparing for the service of the

¹ Pt. ii, c. 4, q. 60.

altar ; as also in all Christian establishments, of whatever kind, for the training of youth.

8. In the case of Religious Institutes, whether of solemn or simple vows, in whose rules, or constitutions, or calendars Communion is assigned to certain fixed days, such regulations are to be regarded as directive and not preceptive. In such cases the appointed number of Communions should be regarded as a minimum, and not as setting a limit to the devotion of the Religious. Therefore, freedom of access to the Eucharistic Table, whether more frequently or daily, must always be allowed them, according to the principles above laid down in this decree. And in order that all Religious of both sexes may clearly understand the provisions of this decree, the Superior of each house is to see that it is read to the members of the Community, in the vernacular, every year within the octave of the Feast of Corpus Christi.

9. Finally, after the publication of this decree, all ecclesiastical writers are to cease from contentious controversies concerning the dispositions required for frequent and daily Communion.

Pastoral Notes

1. The necessary conditions for daily Communion are the state of grace and a right intention ; if these are fulfilled, no one may lawfully be prevented from receiving Holy Communion daily. Further conditions, that are expedient but not necessary, are freedom from venial sins, especially from such as are fully deliberate, and from all affection thereto, and these conditions will generally be realized by the very fact of daily Communion. It is obvious from the wording of the decree that venial sin and affection thereto are no obstacle to reception, and therefore that the state of habitual venial sin and of habitual affection thereto—understood in the correct sense—would not render Holy Communion received in such state a venial sin, though actual venial sin—as a venial sin of vanity or ostentation—would do so, as also would a conscious adhesion to past venial sin.

2. Though the grace of the Sacrament, *ex opere operato*, is certainly gained by children who make no preparation for its reception nor render any thanksgiving after reception, provided they are in the state of grace, nevertheless, deliberate omission of all preparation and thanksgiving, where these are reasonably possible, cannot take place without some irreverence towards the Blessed Sacrament. Doubtless, involuntary distractions do not diminish the graces of the Sacrament, but some interior attention and external reverence, in accordance with the condition of the recipient, are necessary that all slight sin may be avoided.

3. The right intention, of which the decree speaks, includes the desire of pleasing God, Who wishes us to partake daily of this Heavenly Food, of being more closely united with Him by charity, and of seeking in the Sacrament a divine remedy for weaknesses and defects. Negatively, one should avoid routine, vain-glory and human respect, for these circumstances in reception diminish the fruits of the Sacrament.

4. It is obvious that, considering the frailty of human nature, the right intention mentioned above need not be an explicit one; an implicit and subconscious one is sufficient.

5. External devotion in approaching this Sacrament, so much to be insisted upon, especially for children, is a mark of a right intention, and indeed creates and fosters it. But even then, reception by way of routine will diminish the grace of the Sacrament, and much more would reception from ostentation.

6. The counsel of the confessor is to be sought by the faithful who, being in the state of grace, wish to receive daily Communion, but any advice that he may give, though generally directive, may be declarative, inasmuch as he may rightly advise abstention until some scandal, or occasion of sin has been removed, or restitution made. Furthermore, he may rightly judge that occasional omission of Holy Communion will be profitable. For those who fall into grievous sins of the flesh, the Sacrament, if worthily received, is a most sure antidote, provided the recipient sincerely

wishes to overcome temptations and takes reasonable means of avoiding occasions of sin. Where these sins exercise an intense fascination, the Sacrament will inevitably create a distaste for carnal pleasure by substituting delight in the spiritual attraction of Divine Love. The counsel of the confessor, even if merely a counsel, still more if a necessary and grave precept, should be followed, though it is not a grievous sin to reject a counsel, and might not be even a venial sin. But penitents could rarely disregard even the counsel of a confessor without some imprudence and perhaps a little pride; they are, of course, at liberty to seek a second opinion.

7. Daily Communion of lay people regards their own personal sanctification, but the daily celebration of Mass by priests regards the good of the whole Church. A priest should, therefore, celebrate Mass in circumstances where a lay person could be advised—though not obliged—to refrain from Holy Communion, and with all his additional help and safeguards, a priest will be able to refrain from venial sins and more readily seek forgiveness for them if committed. The statement, however, by no means implies that the life of the priest may be less pure and holy than the life of the lay person.

8. A frequent communicant can be said to approach the Sacrament with a right intention if sin becomes less frequent and virtue more conspicuous. This is practically always the case with aspirants to the religious life, postulants, novices, devout lay persons and good Religious. If relapse into the same sins always takes place, greater efforts should be made to justify daily Communion.¹ Habitual neglect of preparation and thanksgiving, where both are reasonably possible, is a sign that the Sacrament is received from routine. This is condemned in set terms.

9. Daily Communion is to be recommended to all who are in the state of grace and who approach with the right intention. None may be excluded who have made their First Communion. If children show levity, or make no thanksgiving, they should be gently corrected, for it is of

¹ Cappello, I, n. 541.

immense help that they should receive this Sacrament before their passions become strong, and before the world carries them away on its tide of pleasures and vanity. Exhortations to frequent Communion that are seasonable may, of course, be given to children, but the pressure of human respect or of a teacher's displeasure is to be avoided at all costs. The adolescent, too, will win the victory over incipient concupiscence if he regularly receives the Sacrament. If he rarely does so, he has lost the battle, and it will then be an arduous uphill fight.

SECTION 7. Obligation of receiving Viaticum

1. In danger of death, whatever be its cause, the faithful are bound under serious obligation by divine precept to receive Holy Communion. Danger of death is present on a given occasion when it is truly probable that a man may die therein. The danger may arise from some interior cause, such as the probability of death from wounds received, old age, child-birth, coma, sleeping sickness, apoplexy, disease; it may arise from extrinsic circumstances, such as, war, famine, plague, dangerous sea voyage, perils of the air in flying, or of life in a submarine. The obligation arises at the moment the danger begins to be actually or practically present. Even children who have not as yet received their First Communion are bound by this precept, if they have reached the age of discretion. In doubt as to a child's discretion, the pastor may give Viaticum but is not bound to do so.

Even if he who is exposed to danger of death had already received Holy Communion on that day, before the danger had arisen, the Church exhorts him to receive Viaticum when the danger arises, but there is no obligation to do so. If some few days before the danger had arisen, Holy Communion had been received, it is very probable that there is no obligation to receive Viaticum when the danger actually arises. There can be no doubt, however, that Viaticum should be recommended.

2. Whilst the danger of death persists, it is both lawful and becoming that Viaticum should be administered many times, but obviously on different days, that is, not more than once on one and the same day. Indeed, daily Viaticum should be received, if reasonably possible, for if daily Communion is ever to be urged, it is to be urged then. Nevertheless, the pastor who has a parish to serve, and perhaps several sick to visit, will be unable to administer daily Viaticum to all, unless the sick are very few. He may, however, find it possible to administer It once a week to each patient. Considering the immense help and consolation derived by the sick from the Blessed Sacrament, the pastor will be more solicitous in attending the sick than those who are well ; to neglect the sick after the Last Sacraments have been administered is a serious neglect of duty. The good pastor will see all the sick of his district several times each week, if possible. Frequent short visits are of greater help to the sick than the rare long one.

3. The administration of Holy Viaticum should not be unreasonably deferred, and the pastor will most earnestly see to it that It is administered to the sick whilst they are still in full possession of their senses. When the danger of death appears more or less imminent, the pastor will urge the sick person to prepare for and receive the Last Sacraments, not to be deceived by the devil's sophistry, nor by promises given by doctors of speedy recovery, nor by the flattery of friends and relatives. All such factors deceive the sick, and merely postpone the one thing then necessary, namely, preparation for death. The ignorance and prejudices of Catholics in this matter should be broken down, for it is sometimes foolishly thought that Extreme Unction and Viaticum are the sick man's death warrant, so that the pastor is not summoned until the sick are almost *in extremis*. All the more reason, then, for haste when sick calls are actually sent.¹

4. Holy Viaticum is to be received by the dying in their own respective rite, but in case of urgent need, It may be received in any Catholic rite.

¹ The pastor may usefully read *Rit. Rom.*, tit. v, c. 4.

The Church allows greater freedom in respect of paschal Communion, which may be received in any rite, though it is a matter of counsel to receive It in one's own rite. Furthermore, the faithful are allowed to receive Holy Communion in leavened or unleavened species, as they please, even if they should wish to do so out of devotion.

SECTION 8. Circumstances governing the Administration of Holy Communion

1. Manner

1. Formerly, the recipient took the sacred species of bread in the right hand from the priest; women received It on a white cloth. The Communion cloth hanging from the Communion rails is to be retained since both cloth and Communion plate are prescribed.¹ The veil of the chalice may not be used, nor the hand cloth, nor burse, nor purificator, nor, still less, the extremity of the priest's cotta, or chasuble, or maniple, or stole. The priest is not allowed, when administering Holy Communion, to hold in the left hand both ciborium and paten, holding the latter under the chin of the recipient.² The entire form is recited for each.

2. At a renewal of vows in Religious Communities, the priest is not allowed to turn towards the renovants and hold the Sacred Host during renovation. In the first and final professions, the priest remains turned toward the Religious and holding the Sacred Host; he administers Holy Communion to each immediately after the vows have been taken.³

3. When Holy Communion is administered to the faithful, the Communion plate may be held by the Mass server under the chin of the communicant. If a Bishop administers Holy Communion, his ring should be kissed immediately before receiving. He may, if he wishes, dispense with that mark of honour.

¹ S.C. de Sacr., March 26, 1929.

² S.R.C., Aug. 12, 1864 (O'Kane., n. 651).

³ cf. *I.E.R.*, March, 1924, p. 314.

2. Time

1. Holy Communion may be administered on any day of the year, including Good Friday, but during the *Triduum Sacrum* only at the times stated below. It was not unusual, up to the eighth century, for Holy Communion to be received on Good Friday. The practice was discontinued in the eleventh century, and after the decree of the Congregation of the Council (1679) it ceased altogether. The Holy Father has now restored it.

2. The following are the times when Holy Communion may be distributed to the faithful during the *Triduum Sacrum*:

On Maundy Thursday only during evening Mass or immediately after. It may, however, be taken to the sick at any time on that day.

On Good Friday only during the solemn Liturgical Action. Beyond that it may be given only to the sick who are in danger of death.

On Holy Saturday, only during or immediately after the Mass, or, as on Good Friday, to the sick in danger of death.

3. Holy Communion may be administered only at the times when the Sacrifice of the Mass can be offered, unless a reasonable excuse permit the contrary. Normally, therefore, administration should not be sooner than an hour before dawn or later than an hour after midday, except at Christmas midnight Mass and on other occasions when special permission is granted. But any reasonable excuse will justify administration in the evening or during the night. Holy Viaticum, however, may be administered at any hour.

4. A priest who celebrates Mass may not distribute Holy Communion during the Mass to persons outside the building if by doing so he is out of sight of the altar. It may be distributed in a church or basilica, however large, even though pillars or walls obstruct the priest's view of the altar. It may not be given at the altar of exposition, nor during Mass before the Blessed Sacrament exposed.¹ It may not be given by the celebrant vested before a solemn, sung, or conventual Mass.

¹ S.R.C., April 17, 1919.

3. Place

1. Holy Communion may be administered wherever Mass may be celebrated, even in a private oratory, unless the local Ordinary has forbidden this in particular cases for good reasons. But no indult is required now for distributing Holy Communion in private oratories to those who assist at Mass therein.¹ The local Ordinary could not forbid this by general decree universally, but by particular precept only, and for particular cases for a good reason whilst the reason held good.

2. In accordance with replies given by the Sacred Congregation of the Discipline of the Sacraments (Jan. 5, 1928), the local Ordinary can give permission to a priest who takes Holy Communion to the sick in out-of-the-way places, such as the hilly districts of a country, to distribute Holy Communion to any of the faithful unable, at the time, to go to the church, provided that this is done in a befitting place.

3. Holy Communion may be received by clerics and lay servers within the sanctuary ; It should be received by the faithful generally at the sanctuary rails. Clerics in minor orders should wear the surplice, deacons the stole worn transversely, priests the stole hanging round the neck on both sides. The rubrics are directive. The stole may always be white.

SECTION 9. The Moment of Reception

Some older writers (Vasquez, Suarez, Lugo) and a few moderns think that the grace of Holy Communion is given by reception of the Host into the mouth, and before the sacred species has been swallowed. It is, however, commonly taught that grace is given only by eating this spiritual food, and therefore that the Sacred Host must be swallowed. It is in the act of swallowing that the process of eating takes place and not when food is merely taken into the mouth.² Thus, the Eucharistic fast is not broken by taking food or

¹ S.R.C., May 8, 1907.

² cf. Cappello, I, n. 419 ; *I.E.R.*, 1924, pp. 81, 306.

drink into the mouth ; it is broken by swallowing either. It is noteworthy that common food nourishes, not when it is eaten, but when it is changed into the substance of the body, whereas the Eucharistic food need not be corrupted that It may give spiritual strength. It is, then, a matter to be insisted upon by the pastor, that children should be taught to swallow the sacred species as soon as conveniently possible, and not to allow It to become entirely dissolved in the mouth. It is a curious, but superfluous, point to raise, namely, that when the sacred species is entirely melted by the saliva and the species is completely corrupted, the natural fast is broken. The point is superfluous, for we do not know how long the sacred species retains its true character as species of bread.

SECTION 10. Abnormal Reception

It is a matter of dispute whether or not a person truly communicates who receives the Sacred Host, or a particle of It, by means of a tube through which, owing to some operation, he is fed, the tube being inserted into the œsophagus or stomach. It is very probable that such a one does receive, since the sacred species passes into the stomach. It appears immaterial how It gets there. Consequently, Viaticum may thus be given. The reasons alleged against such reception are :

1. It is irreverent. But is it more irreverent than administering a sacred particle with a spoon ?

2. There are two replies of the Holy Office which appear to disallow such reception. The first (Jan. 27, 1886), however, merely replied that it was inexpedient to administer Viaticum through a tube. The second (Nov. 27, 1919) refused the petition of one who suffered from cancer of the throat and was fed by a tube inserted into the stomach. But this was also a particular reply, and though both replies create a prejudice against such a method of receiving, they do not constitute a general law. Holy Communion may, therefore, be given in such cases, reverently, however, but

there appears to be no obligation either to receive It or to administer It in so unusual a way.¹

SECTION 11. Food and Drink after Reception

1. When it is necessary to take food or drink immediately after receiving Holy Communion, no sin is committed by doing so, but there is considerable difference of opinion as to its sinfulness if there is no just excuse. The reasons for thinking it sinful are that it is irreverent to mix common food with the sacred species. We believe that reverence to the Sacred Presence should be shown by abstaining from food for a little time, v.g., a quarter of an hour.

2. Expectoration immediately after Holy Communion should be avoided so long as any of the sacred species remains in the mouth, but after that short period, there is no danger of rejecting the sacred species.

3. To flush out the stomach by means of a pump inserted through the mouth and gullet when there is danger of expelling the sacred species is grievously sinful. In the case of invalids, who do not easily nor quickly digest food, two or three hours should be allowed to elapse.

Note on Holy Communion in Hospitals

When Holy Communion is to be given to several sick persons in a hospital, a short form of administration is approved as follows: In the first room, all the prayers preceding administration are said in the plural number. In the other rooms are recited only, *Misereatur tui Indulgentiam Ecce Agnus Dei Domine non sum dignus*, once only *Accipe frater (soror)*, or, *Corpus Domini Nostri J.C.*, etc. In the last room are said *Dominus vobiscum*, with response, and *Domine Sancte*, etc., in the plural number. The blessing is given in the last room only.²

Note on General Communions

The Sacred Congregation of the Discipline of the Sacraments issued an Instruction on General Communions, in

¹ For the affirmative, cf. Lehm., II, n. 193; Gén., II, n. 188; Prümmer, III, n. 185; Ferreres, II, n. 427; Cappello, I, n. 421.

² S.R.C., Instruction, Jan. 9, 1929.

which it laid down the following injunction. In communities of boys and girls, General Communion of special solemnity should not be announced, and, speaking generally, the term General Communion should not be employed unless its true meaning is explained, namely, that all are invited to Holy Communion, but that it is left to each individual to receive or not as they wish, and that no one is forced to receive. If anyone wishes not to receive Holy Communion on such occasions, no difficulty should be put in the way, such as explicit invitations, military regimentation, as it were, and the use of emblems by communicants. The Sacred Congregation seems to refer to banners, sashes, special dresses, special places in the church, and everything that is calculated to bring pressure to bear on people.¹

¹ S.C. de Sacr., Dec. 8, 1938.

TREATISE XIII

P E N A N C E

CHAPTER I

THE NATURE OF THE SACRAMENT OF PENANCE (c. 870)

SECTION 1. Definition

PENANCE is a Sacrament, whereby sins committed after Baptism are forgiven by the judicial absolution granted by a legitimate minister to a member of the Church duly disposed to receive it. Sacramental absolution is a judicial act, for the exercise of which it is normally required that the case should be known, that is, as far as the circumstances permit, that the minister should have the requisite power to pronounce sentence, that he should pronounce it, and should do so—as far as human care can guarantee—strictly in accordance with the nature of the case submitted. This rite has all the qualities of a Sacrament, namely, the external sign, consisting of the absolution, efficacy, namely, the remission of sin by the infusion of grace, and permanency by the institution by Christ, for the Sacrament will be needed as long as men sin.

SECTION 2. Conditions of Efficacy

The priest who bestows sacramental absolution must have the power to do so, that is, he must have the power of Orders and of jurisdiction. The person absolved must be rightly disposed by sorrow for sin. The sins forgiven are only those which have been committed after Baptism, since Baptism was instituted to give the first grace, and by consequence, through the infusion of sanctifying grace, it remits all sin, not only original but also actual, if the latter had been committed and sorrow for it had been conceived.

CHAPTER II

THE MINISTER OF THE SACRAMENT OF PENANCE (cc. 871-892)

SECTION 1. Sacred Orders of the Minister

THE minister of this Sacrament must be a priest, but in addition, for the valid absolution of sins, he must have jurisdiction, ordinary or delegated, over the penitent (cc. 871-2).

No deacon, nor any lay person, ever had power to absolve from sin, even in extreme necessity. Morinus held that deacons actually gave absolution in cases of necessity; his view is not accepted, and the custom of attempting to do so was reprimanded in several Provincial Councils and diocesan statutes.¹ It is held that the absolutions given in such cases were not sacramental but canonical (i.e., perhaps absolution from censure by delegated faculty), or that the confessions made were merely ascetical or works of supererogation, and offered as a guarantee of sufficient sorrow for the reception of the Holy Eucharist. Similarly, there were instances of confessions made to lay people in cases of necessity, a practice approved by S. Thomas Aquinas and S. Bonaventure; the former denied, however, that such confession was a perfect Sacrament because absolution was not given, but he appears to think the confession necessary, as lay Baptism might be necessary.² It was also held by S. Thomas, Suarez, Lugo and others that Sacred Orders by themselves and of their nature gave the power to a priest to absolve from venial sins, whether by virtue of ordination itself or because, by custom, the faculty to do so was given in ordination. Pope Innocent XI (1679) forbade the practice, and such absolution would be, after the decree, probably invalid, though S. Alphonsus stated that the validity was commonly upheld in his time, but he himself thought the contrary probable.³

¹ cf. Pohle-Preuss, *The Sacraments*, III, p. 122, for a full account of this point; Galtier, *de Penitentia*, n. 513.

² S. Th., *Suppl.*, q. 8, a. 2.

³ S. Alph., lib. 6, n. 543; Galtier, *op. cit.*, n. 552.

SECTION 2. Jurisdiction of the Minister

Jurisdiction is the public power of ruling subjects. This power resides in the Church by divine institution (c. 196). It may regard the external regimen (*forum*) of the Church, or the internal regimen (*forum*) of the individual's conscience. Jurisdiction in the latter regimen may be exercised in the Sacrament of Penance or apart from it ; it is then called sacramental and extra-sacramental jurisdiction respectively (c. 196). Jurisdiction in the external forum regards the public or social guidance of the faithful as members of a Christian society ; jurisdiction in the internal forum usually regards the individual's spiritual benefit and his obligations towards God ; but in the extra-sacramental forum it may impose obligations towards the Church, as in cases of censure, occult irregularity and occult matrimonial impediments. Sacramental jurisdiction is exercised only in the act of sacramental confession.

Ordinary jurisdiction is that which is annexed to some office. It is either proper to the office or it may be vicariously exercised in the name of another.

Jurisdiction may be delegated by law or by an individual. In the latter case it is granted by a Superior who has ordinary jurisdiction to another, for use in one or more cases or for all cases of a specific character. Law gives delegated jurisdiction to all priests to absolve the faithful in danger of death. Bishops give delegated faculties to curates, limited, however, both in regard to time, place and cases to be dealt with. In the present context, the jurisdiction spoken of is the jurisdiction to hear confessions and to absolve from sin. It is exercised in the name and by the commission of Christ our Lord, and is therefore vicarious and ministerial.

SECTION 3. Possessors of Ordinary Jurisdiction

1. The Pope has this jurisdiction over all members of the Church.
2. Cardinals likewise have it for all members of the

Church, but it is limited by law (c. 239), inasmuch as Cardinals cannot absolve from censures most specially reserved to the Apostolic See nor from those incurred by revealing secrets of the Holy Office. This jurisdiction is personal and cannot be delegated to others.

3. Local Ordinaries have jurisdiction within the limits of their respective territories and in regard of all who come within the said territories; they can absolve their own subjects outside their territories.

4. A parish priest has this jurisdiction over all in his parish, and he may also absolve his parishioners outside the parish. He may not delegate it.¹ He has ordinary jurisdiction over all his parishioners, and unless the contrary is expressly stated, he has delegated jurisdiction for confessions throughout the diocese.

5. All quasi-parish priests, and all who take the place of a parish priest in accordance with law and who enjoy full parochial power, have this ordinary jurisdiction which, however, they cannot delegate; thus, it is held by certain vicars (*œconomi, substituti, adjutores*, cc. 471-475), but not by ordinary curates (*vicarii co-operatores*).

6. The Canon Penitentiary of cathedral and collegiate churches has this ordinary diocesan jurisdiction but may not delegate it to others (c. 401).

7. Exempt religious Superiors have ordinary jurisdiction over their subjects in so far as these are determined by their religious constitutions. Subjects, so far as sacramental jurisdiction is concerned, include novices, postulants and those living in the religious house as servants, students, guests, the sick, the infirm, the convalescent.

SECTION 4. Cessation of Ordinary Jurisdiction

Jurisdiction ceases at the cessation of office to which it was annexed. Office ceases by resignation, deprivation, removal, translation, lapse of the time assigned for holding it, removal of the grantor if the grant is *ad beneplacitum*

¹ P.C.C.J., Oct. 16, 1919. Priests who are held in custody and retain jurisdiction granted by their proper Ordinary can hear the confessions of all who are in the same place: S. Pœnit., Feb. 22, 1941.

(c. 183). After excommunication, suspension or interdict but before sentence, absolution given would be valid but unlawful unless the faithful seek it (cc. 2261, 2275, 2284). Suspension from hearing confessions, from jurisdiction, from exercise of Orders, after sentence, would render absolutions invalid except in cases allowed for by law, as in danger of death.

SECTION 5. Delegated Jurisdiction

1. The Ordinary of a place in which confessions are heard gives the necessary delegated jurisdiction to priests, secular and Religious, even exempt, for the confessions in that place of any lay or Religious person. Priests who are Religious may not use such faculties without the permission, at least presumed, of their religious Superior. But in cases where a Religious, even exempt, confesses for peace of conscience to a confessor who has diocesan faculties in the place where the confession is heard, no leave of the confessor's Superior, if the confessor is a Religious, is necessary (c. 519). Consequently, a Religious can receive faculties for the confessions of his fellow Religious, or of Religious of other Institutes, and of lay people from the local Ordinary. Local Ordinaries are forbidden by law to grant habitual faculties for confessions to Religious except on presentation by the religious Superior, and on the other hand, they should not refuse to give faculties to those Religious who are presented to them by the Superior, except for a grave reason, though they may examine the candidates to ascertain their fitness to act as confessors.

2. In a clerical exempt Institute, faculty can also be given by the Superior to his subject priests and to any other priest, secular or Religious, to hear the confessions of the professed Religious, the novices and all those who live in the religious house day and night (c. 875).

In an exempt lay Institute, the Superior presents the confessor and the latter receives jurisdiction from the Ordinary of the place in which the religious house is situated.

3. Law renews expired jurisdiction for the internal forum when a confessor inadvertently acts after his jurisdiction had expired (c. 207, §2).

**SECTION 6. Special Jurisdiction for Confessions of
Male Religious**

1. Members of a clerical exempt Religious Institute can be absolved in sacramental confession by the local Ordinary or by their own religious Superior immediate or mediate (c. 873).

2. Members of a clerical Religious Institute not exempt, and of a lay Religious Institute can be absolved only by jurisdiction derived from the local Ordinary.

3. Delegated jurisdiction to absolve Religious in a clerical exempt Institute may be granted both by their Superior and by the local Ordinary of the place where the confessions are heard. This jurisdiction can be granted by both to secular priests who have no diocesan jurisdiction and to priests of the Religious Institute or of another Religious Institute (cc. 874, 875).

4. A Religious confessor who derives jurisdiction from the local Ordinary is or may be restricted in the use of his jurisdiction like the other confessors of the diocese, namely, by not having power to absolve cases that are reserved to the bishop, but a confessor who derives his jurisdiction over Religious from their religious Superior is not so restricted in respect of diocesan reserved cases, but is restricted in respect of cases peculiarly reserved in the Order, unless full faculty over them has been given by the Superior.

5. Any confessor hearing confessions by virtue of diocesan faculties can absolve a Religious from the sins and censures that are peculiarly reserved in the Institute of that Religious, provided (c. 519) the penitent seeks absolution for the peace of his conscience. This disposition of law neither abolished reservations in Religious Institutes nor the religious rule of having fixed confessors of the Institute. The absolution from such reserved censures extends only to the internal forum, so that the religious Superior can summon the case to his tribunal in the external forum. Furthermore, a diocesan confessor who can absolve from papal censures can absolve exempt Religious from these censures.

6. The local Ordinary can grant jurisdiction for hearing confessions to a priest member of a Religious Institute without the approval of the religious Superior, but such confessor cannot lawfully use his power without the permission, at least presumed, of his own religious Superior, without prejudice, however, to the right of a Religious to approach that confessor to confess for his peace of mind (c. 519).

7. In every religious house of all clerical Religious, several confessors must be appointed in proportion to the number of the Religious ; if the Religious are exempt, the confessors must be granted jurisdiction over cases reserved in the Institute (c. 518, 1).

8. In a lay Religious Institute there are appointed an ordinary and an extraordinary confessor, but if a Religious ask for some special confessor, his Superior must grant his request without asking reasons or showing his displeasure (c. 528). To interfere in such delicate matters of conscience could be a grave sin against charity, not to mention the danger of being a cause of sacrilegious confessions.

9. Religious Superiors who have jurisdiction for hearing confessions can hear the confessions of their subjects who spontaneously and freely ask them to do so, but they should not habitually hear them without a grave reason. One grave reason would be the very considerable peace of mind of the subject, who may be averse from confessing to the ordinary confessors. Superiors are warned not to induce in any way their subjects to confess to them (c. 518).

Masters of novices, their Socius, the Superior of a seminary or college, may not lawfully hear the confessions of their charges who live in the same house with them, unless the latter spontaneously ask them to do so for a grave and urgent reason in particular cases. Such subjects may, of course, thus experience better counsel and greater help ; every spontaneous confession may be regarded as made for a grave reason. But without prejudice to their liberty, subjects should prudently be advised to confess to the appointed confessors.

In regard to confessors of novices, they should be in

proportion to the number of the novices (c. 566) ; in a clerical Religious Institute they should live in the noviciate house ; in a lay Religious Institute they should at least frequently visit the house to hear the confessions of the novices, that is, at least twice a week, oftener, if possible. Besides the ordinary confessors of novices, other special confessors must be appointed to whom the novices can freely go in particular cases but not habitually. At least four times in the year the novices should have an extraordinary confessor to whom they must present themselves at least for a blessing.

10. An exempt Religious on a journey may confess to his priest companion who is a member of the Institute, if the rules permit it.

Faculty may be given by the rules over all reserved sins and censures in the Institute, but it is necessary that faculty be given either expressly or *ipso facto* in the rules.

SECTION 7. Special Jurisdiction for Confessions of Nuns

1. Special jurisdiction is needed for hearing the confessions of female Religious and their novices. This provision affects all priests secular and Religious, of whatever rank or office, but Cardinals are exempted from it (c. 239). The jurisdiction is granted by the Ordinary of the place in which the convent is situated.

In every such house of Religious women, one ordinary confessor is appointed unless the number of Religious requires more. But if a Religious asks for some special confessor or spiritual director for her peace of mind and greater progress in the service of God, the local Ordinary is told to grant such request readily, but to see that no abuses arise from the concession.

In addition to the ordinary confessor, an extraordinary confessor is assigned by the local Ordinary to each religious house. It is his duty to visit the religious house at least four times each year. The normal times chosen are the Ember weeks. It is the duty of each Religious to present herself to the confessor at least for his blessing. Since this

prescription is meant to make it easy for those who need the help of the extraordinary confessor to approach him without singularity, it seems that all the Religious should present themselves in the confessional. During the visit of this extraordinary confessor, the ordinary confessor should not visit the convent, nor hear any confessions there, but this is rather a matter of counsel and direction than of strict precept. It is obvious that extraordinary confessors should not meddle with the government or arrangements of the convent, nor is it their duty to undertake the permanent and general direction of any of the Sisters. That is the duty of the ordinary confessor.

2. Supplementary confessors also are appointed (c. 521). Also (cc. 522, 523), if any female Religious, for peace of conscience, seeks a confessor approved by the local Ordinary for hearing women's confessions, her confession to such confessor, made in any church, public or semi-public oratory, is both valid and lawful. No contrary privilege avails against this provision of law ; the Superioress may not forbid it, nor make inquiries about it, not even indirectly, nor is the Religious obliged to mention the matter to her Superioress. This canon has been interpreted to include confession made in any place legitimately designated for the confessions of women, so that the usual place for confessions in a convent is a legitimate place.¹ If the confession is made outside such a place, the absolution would be invalid, unless the priest has special faculties for these Religious.² But the place may be one designated *per modum actus*, that is, for an occasion, or one that is chosen owing to sickness or any other real necessity.³ Cases of extreme necessity are not here considered. The local Ordinary designates the legitimate place. It is not, however, necessary that the Religious in question should herself go to the confessor in person ; it is sufficient if the confessor is summoned. Every sincere confession may be presumed by a confessor to be made for peace of mind.

3. Another exception is allowed by the canons, viz., that

¹ P.C.C.J., Nov. 24, 1920.

² P.C.C.J., Dec. 28, 1927.

³ P.C.C.J., Feb. 12, 1935, chosen in accordance with canon 910 §1.

any female Religious, seriously ill, though not in danger of death, may ask for any priest who is approved, by the local Ordinary, for women's confessions, and may confess to him as often as she pleases whilst the sickness lasts. The Superioress cannot forbid this even indirectly.

SECTION 8. Special Jurisdiction for Confessions of those resident in a Religious House

In an exempt clerical Institute, the Superior of the house can give faculties to any priest to hear the confessions of domestics, scholars, guests, invalids who live in the religious house day and night (cc. 875, 514). The intention of staying in the house is sufficient in this context. An occasional absence from the house does not affect the faculties. This jurisdiction of confessors appointed by the Superior persists so long as the scholars remain under the care of the Superior. They cease to remain under that care so soon as they leave the precincts of the school to return home unless a Religious is in charge of them on the way to their homes. We doubt whether the scholars could be said to be still under the care of the Superior when they are at home during vacation, though they intend to return to the same school.

SECTION 9. The Concession of Jurisdiction

1. Local Ordinaries should not give jurisdiction, nor should religious Superiors give jurisdiction or permission for the hearing of confessions, to a priest unless he has been found on examination to be fit. This fitness comprises not only the knowledge of theology but moral fitness, prudence and piety. Exception is made, that is, no examination need be exacted, in the case of a priest who is known by the Ordinary or his religious Superior to have sufficient theological learning. But as all authors point out and as experience proves, knowledge is apt to fade in course of time. Consequently, the local Ordinary or religious Superior in prudent doubt as to the continued fitness of a confessor may submit him to another test. Exception is not made even in favour of a parish priest or of a Canon Penitentiary.

Delegated jurisdiction and permission for hearing confessions may be limited to persons, places and periods, but local Ordinaries and religious Superiors are reminded by law (c. 878) that they should not unduly lay down limitations without reasonable ground for so doing.

2. For the valid hearing of confessions and absolution of penitents the necessary jurisdiction must be expressly granted in writing or orally. Consequently, neither presumed nor tacit jurisdiction is of any avail. But jurisdiction may be granted expressly, though not explicitly, as when a priest is invited by a bishop to give a mission or a retreat. It is held as probable that a priest may hear confessions if he applied for faculties and is sure that his application reached the bishop and that the faculties have been given, though the priest has not received them.¹ But in such cases there will usually be some uncertainty. The opinion, we believe, should rarely be acted upon. Furthermore, ratification after confessions heard does not supply any defect of jurisdiction. When a condition is annexed to the grant of faculties it may not be presumed to be verified.

The law forbids the demand of any payment for the grant of jurisdiction. To exact such would be a grievous sin of simony.

SECTION 10. Revocation of Jurisdiction

Faculties are revoked if they are entirely withdrawn ; they are suspended, if their use is forbidden. After revocation, absolutions given would be invalid, unless the Church supplies jurisdiction as it does in specified cases. After suspension, they would be unlawful but valid ; if suspension was imposed by sentence or declaration, they would be invalid, unless the Church supplied as above. The canons (c. 880) forbid local Ordinaries and religious Superiors to revoke or suspend jurisdiction or permission to hear confessions except for a grave reason. If they do so without such a reason, their action is valid but unlawful. The Ordinary can forbid even a parish priest or Penitentiary to hear confessions ; if he do so they are bound to obey, but may

¹ Verm., III, n. 453 ; Cappello, II, n. 398.

appeal to the Holy See. A limit is put, however, on the action of a bishop, in that he may not lawfully (though probably he could validly) revoke collectively and without consulting the Holy See (i.e., the Sacred Congregation of Religious) the jurisdiction of all the confessors of a formed religious house, one, that is, which habitually consists of six professed Religious, of whom at least four are priests. He could, however, suspend each individual in turn. By this provision the law safeguards the good name of the religious house as a whole.

SECTION 11. Extension of Jurisdiction

All priests, secular and Religious, approved for hearing confessions in a given place, and possessing either ordinary or delegated jurisdiction, can validly and lawfully absolve all penitents in that place, including Catholics of an Oriental rite. Consequently, common law gives a confessor jurisdiction over persons from another diocese or parish and those who have no fixed abode. If a priest has ordinary jurisdiction *ex officio* he can absolve his own subjects anywhere.

SECTION 12. Jurisdiction in Danger of Death

1. Law itself delegates jurisdiction to all priests for those who are in danger of death. The danger of death may be understood in a broad sense, as in cases of serious wounds, grave risk in child-birth, extreme old age, war, a dangerous voyage, a major surgical operation, and even mobilization for war. All priests are delegated in the circumstances, even the excommunicate, heretics, schismatics, interdicted, secularized and unfrocked, and that, though an approved priest be present. They can absolve from all sins and censures, howsoever reserved or notorious (c. 882). The absolution is limited to the internal forum.¹

2. But there is a special provision of law in two cases. Firstly, a priest, though validly absolving in the aforesaid circumstances his own accomplice in a grievous sin against chastity, may not do so lawfully, that is, without sin, if another priest can be summoned, agreeably to the penitent, and without defamation resulting to the former priest.

¹ P.C.C.J., Dec. 28, 1927.

Secondly, a penitent who, in danger of death, has received absolution from a personal censure (i.e., one inflicted by an individual Superior), or from one of the censures most specially reserved to the Holy See, must have recourse, on convalescence, to the Superior who inflicted the censure, or in respect of the other censures of law to the Congregation of the Sacred Penitentiary or to the bishop or another possessed of the necessary faculty. Deliberate disregard of this precept will result in the reincidence of the same censure (c. 2252).

3. It is to be observed that, though one in danger of death can be validly absolved by any priest, if there was no pressing need to summon an heretical and schismatic priest, it would be sinful to do so, since the act of confessing to such a one would be a communication in a sacred and holy matter with the minister of a false religion, scandal would be given, and there might be a danger of perversion. For these reasons, some authors would advise the patient merely to make an act of contrition instead of confessing to such a priest. The patient might, however, very well prefer the security of absolution, and could legitimately summon the heretical or schismatic priest, if the aforesaid dangers were provided against, and if there were a reasonable difficulty in summoning a legitimate confessor.

SECTION 13. Jurisdiction on Shipboard

1. A priest on shipboard during a voyage may use the faculties given by his own Ordinary or by the local Ordinary of the port of embarkation, or by the local Ordinary of any port of call. All persons on board during the voyage may confess to him ; those also who, at a port of call come on shipboard for any reason whatever, and those who go to the priest in case the latter goes ashore for a short time during the ship's call at a port. The priest's faculty in the latter case extends to all cases reserved to the local Ordinary of the port of call. He may use his faculties if his call at the port is brief, three days or less, if his ship stays near the port, or if he himself has to change ships and wait for another.

At the expiration of his voyage his faculties expire, unless he is returning immediately.¹

2. It was thought that a priest member of an exempt Religious Institute, when on a sea voyage, could derive his faculties for hearing confessions from his own higher Superior. The view was held as probable, and was based on the words of the canon, which stated that faculties could be derived from 'his own Ordinary'.² Now the Ordinary of such a Religious is certainly his Provincial (c. 198). It was held that if the canon had meant local Ordinary, it would have said so. There were authors, however, who rejected this view for the following reasons. A decree of the Holy Office, April 9, 1900, used the same words as the canon cited, but in 1905 the same Holy Office used the words *a proprio Ordinario ex cujus diœcesi discedunt*, which certainly mean the local Ordinary, not the religious Superior. Therefore, they said, the canon must be interpreted in this sense. Furthermore, in the canon, the term 'his own Ordinary' is placed in juxtaposition with words describing other local Ordinaries, namely, those of embarkation and of intermediate ports. So long as this difference of opinion persisted, and until an authentic interpretation of the canon was given, the priest Religious referred to above could use the faculties which he had obtained from his Provincial, since the Church supplies jurisdiction in positive and probable doubt. The doubt was resolved by a reply (P.C.C.J., July 30, 1934) to the effect that the Religious must have diocesan faculty from one of the local Ordinaries mentioned above.

SECTION 14. Jurisdiction in Probable and Positive Doubt

The canons (c. 209) state that in positive and probable doubt of fact or of law, the Church supplies jurisdiction in both the internal and the external forum. Consequently, if a priest who, in point of fact, has no faculties³ for confessions because, for example, the term for which faculties were granted has expired, gives absolution because he has probable

¹ P.C.C.J., May 20, 1923. Similar faculties are granted to priests travelling by air by a *Motu Proprio* of Pope Pius XII, Dec. 16, 1947.

² Cappello, II, n. 411; Verm.-Creus., *Epit.*, II, n. 153.

³ The terms faculty, faculties, always mean jurisdiction.

reasons for thinking that his faculties have not expired, then the absolution which he gives is valid, because the Church supplies faculties. So also if, in favour of absolving a penitent, a confessor adopts an opinion that may or may not be true, but which is supported by a reasonable number of divines, though rejected by others, then his absolution is valid. The Church supplies jurisdiction to him, because he is said to have a probable and positive doubt about the law. The case would arise when he absolved from a sin which in the opinion of many divines is reserved and withdrawn from his jurisdiction, but in the opinion of other divines is not reserved at all. If, however, his doubt is negative, that is, if he has no reasons for his view that his faculties persist or extend to a given case, then the Church does not supply jurisdiction to him. But since, in point of fact, his faculties may be still good, he may absolve a penitent, but must do so conditionally, and warn the penitent to repeat his confession to a priest who has certain faculties.

SECTION 15. Jurisdiction in Common Error

The canons (c. 209) state that in common error, the Church supplies jurisdiction to a confessor who has no jurisdiction, that is, when the faithful think that the confessor has faculties. There is some difference of opinion as to what constitutes common error. It may be stated as very probable that common error is present, when the circumstances would afford a reasonable ground to anyone to suppose that a confessor had faculties, that is, when the foundation of the error is public. This is common error *de jure*, though it may not be common error *de facto*. In this view, it is not necessary to introduce into the concept of common error the number of penitents or of the faithful generally who suppose that the confessor has faculties. Even if only one penitent thinks so, owing to the circumstances in which the confessor finds himself, the error can be common *de jure*, and sufficient to fulfil the requirements of the canon. In such a case, the absolution if given would be valid, since the Church supplies jurisdiction. It must be observed that

the Church does not supply jurisdiction in the case of a private individual error, of one person or of a few persons, and consequently, a priest who has no jurisdiction could not validly absolve, apart from the danger of death, when the error has no foundation in the circumstances in which the confessions could be heard.

Some divines think that a priest sins grievously who, outside grave necessity of penitents, invokes the common error knowingly and absolves penitents who confess to him. Others think the sin venial. In the latter view, no censure would be incurred, since a grave sin is required in order that censure may be incurred. In cases of grave need on the part of the faithful, it is probable that a priest may invoke the common error and hear confessions.¹

This view appears to be endorsed by a statement made in a marriage case which came before the Sacred Rota in 1927. Though the matter there dealt with concerns common error in marriage cases, the principle invoked may be applied to the confessor's jurisdiction in common error. It was stated that common error is not ruled out by the fact that an individual happens to know of the defect of power in a putative minister assisting at marriage, nor does this individual knowledge preclude the minister from using the power which the Church supplies in a case of common error, nor one of the faithful from having recourse to this putative minister ; in both cases, the act is valid and, if there is a just reason, it is also licit.

¹ cf. Cappello, II, n. 493 ; Aertnys-Damen, II, n. 360.

CHAPTER III

THE ABSOLUTION (cc. 885, 886)

SECTION 1. The Rubrical Form of Absolution

THE complete form of absolution, found in the Ritual, consists of four parts. The first two parts are prayers that God may have mercy on the penitent and grant remission of his sins. These prayers are not necessary for the validity of absolution, but they should not be omitted except for a just cause. A just and sufficient cause would be a great concourse of penitents, or want of time. But there is always considerable danger lest penitents should become perfunctory in their confessions, and this tendency might be intensified if the confessor omitted these preliminary prayers. To preclude the abuse, a confessor does well if he recites the whole form and does so slowly. The gain in time by omitting any prayer is so slight as to be negligible, and the gain in reverence is great to confessor and penitent. The haste of a confessor in despatching penitents is apt to scandalize and to reduce the Sacrament to a formality. Boys especially are to be prevented from making hasty confessions. No confessor, we believe, should hear the confessions of more than forty children in the hour, and would do well to diminish that number rather than augment it. He does well enough if he hears about thirty adults in an hour in cases of normal and not complicated confessions. But care in dealing with penitents will prompt him to give all the help he can to each penitent, not thinking of numbers but of the one penitent he is engaged with. He will, of course, be justified in forbidding a penitent to repeat, or to be prolix, or to go into irrelevant details.

The third prayer in the complete formula contains the actual words of absolution. The whole of this sacramental formula (omitting however, the word *suspensionis* in the case of lay people) should be recited, except in urgent necessity in danger of death, when the Ritual allows the priest to say : *Ego te absolvo ab omnibus censuris et peccatis, in nomine Patris et*

Filii et Spiritus Sancti. Amen. The essential form of absolution must, therefore, be contained in this formula. It appears superfluous to inquire what words may be omitted without danger to validity. The matter may be discussed for reassurance, *post factum*, that a confessor may know that he has validly absolved if he has used the words: *Ego te absolvo a peccatis tuis*, or even simply, *te absolvo*. In accordance with the prescription of the Ritual, the word *deinde* appears to be no longer, if it ever was, a mere Rubric. It is now embodied certainly in the third and the sacramental part of the formula.

2. From the beginning of the second prayer, *Indulgentiam*, up to the actual signing with the cross during the trisagion, the priest is told to keep his hand raised. This is considered a Rubric not obligatory under sin. The priest blesses the penitent with a single blessing; a bishop gives a triple blessing. The absolution from excommunication, suspension (in the case of clerics) and interdict must precede the absolution from sins, for it is not fitting that a penitent should be reconciled with God before having been reconciled with his Church. But it would not be sinful to omit the absolution from censures if there were no probable suspicion that the penitent lay under censure. If there were probable suspicion, the omission could be a venial sin. If there were certainty, the omission could be grave, but the absolution from sin would be valid. The formula *Ego te absolvo a peccatis tuis* is valid for absolution from censures as well as from sins if the confessor intends it to be such, but he should employ the formula of the Ritual.

It was said above that the word *suspensionis* does not apply to lay people. It may be omitted also in the case of clerics in minor Orders, since these can hardly be forbidden to do what even laypeople may now do. It would be a venial sin to omit it in the case of clerics in major Orders.

3. It is now generally held that the words of absolution mean "I bestow upon you the Sacrament of absolution," a meaning that is verified whenever the Sacrament is valid. Though the words 'I absolve you' appear to mean absolution from the bond of sin, they really mean the infusion of

grace by the Sacrament, for sin is not extinguished except by grace. In the case of sins confessed that were previously forgiven the meaning of the phrase is clear. In the case of the indisposed, the absolution is given, but the grace of the Sacrament is impeded by some obstacle to it. The meaning, therefore, is verified in every case, whereas the sense, 'I remit your sin' is not always verified. The practising Catholic sees no difficulty in approaching the Sacrament in accordance with the mind of the Church, so as to receive fresh sacramental grace, though only sins already forgiven are confessed. The formula of absolution has undoubtedly undergone changes in the course of the Church's history. The direct indicative form is now employed in the Latin Church and is obligatory. The deprecative form was used for centuries. A combination of the two is now used by many of the Uniate Greeks. The following formula was approved for use by Coptic priests when it was a case of imminent death: "*Tu Dominator, nosti infirmitatem hominum, tanquam bonus et omnium amator Deus, concede ei veniam peccatorum suorum, et sit absolutus a Trinitate Sanctissima, Patre et Filio, et Spiritu Sancto, et ab ore vilitatis meæ.*"¹

4. The fourth prayer, *Passio Domini*, which immediately follows the form of absolution is a prayer that the Passion of our Lord, the merits of the Blessed Virgin Mary and of all the Saints, the good works of the penitent and the evil that he has endured may contribute to the remission of his sins, an increase of grace and everlasting reward. This is a prayer of the Church and a sacramental. It is not probable that the prayer elevates all the good deeds of the penitent to the plane of sacramental satisfaction, for the Ritual allows it to be omitted under certain circumstances.

SECTION 2. The Manner of giving Absolution

Absolution must be given orally, an opinion that is now held by all theologians, though many divines of great authority formerly thought that written absolution given directly to the penitent was valid. Furthermore, it must be

¹ Codif. Can. Orientale, *Fonti*, fasc. II, p. 5.

given by the priest in the presence of the penitent. Pope Clement VIII, through the Holy Office (1600), condemned the proposition that it was permissible to confess by letter or intermediary to an absent confessor and to receive absolution from such. Pope Paul V (1605) condemned each part of the proposition. The cases that are quoted in favour of confession to and absolution from an absent confessor, as that of Serapion who received Holy Viaticum and, so it was held, absolution through the good services of a boy sent to him, and that of S. Cyprian and S. Thomas of Canterbury, are held on good evidence to be cases of canonical absolution from censures.¹ Suarez appears to have wrongly interpreted the decree of Pope Clement VIII as affecting the case of a dying person who had merely signified to bystanders his desire to have a confessor sent to him.² This was not to confess to an absent priest.

Confession and absolution by letter was held to be valid by Paludanus, S. Antoninus, Sylvester, P. Soto, Richardus, Medina, Pope Adrian VI, Navarrus.³ A certain Jesuit, Fr. J. Hieronymus, preached the doctrine in Spain, but was reproved by the Inquisition for his imprudence.

SECTION 3. Mutual Presence of Priest and Penitent

Since, therefore, the mutual presence of confessor and penitent is necessary, it is important in concrete practice to know when they can be said to be mutually present. Moral presence is certainly sufficient, that is, the degree of nearness to one another within which men can and are wont to converse with one another, even though in a loud tone. A distance of twenty paces between two persons constitutes sufficient moral presence. If the distance is greater, conditional absolution should be given. The matter is sufficiently practical, for penitents sometimes leave the confessional before having received absolution. If possible, the confessor will, on a sign of movement, tell them to wait. If they have already gone, he may absolve them absolutely

¹ Galtier, n. 510, 4; Cappello, II, n. 92, note 8.

² Bucceroni, *Casus*, II, p. 547 sqq.

³ cf. *Auctarium Bellarminianum* (ed. Le Bachelet, Paris 1913), p. 113.

if they are within the reasonable distance mentioned. If he doubts, he may absolve conditionally. If they have gone some time and are outside the church, there is nothing to be done. On their return, if they return to the same confessor, they should be told—without violating the seal of confession—to renew their sorrow for the sins confessed in the former confession and they may then be absolved. To prevent such difficulties arising the confessor may always usefully tell a penitent to make an act of contrition whilst he is receiving absolution. Persons are not mutually present who are in different rooms with closed doors.

In cases of necessity, however great the distance between the two, as in shipwreck, street accidents, railway accidents, accidents in the air or in mines, conditional absolution may be given. Many persons may be absolved at one and the same time, as soldiers about to engage in battle or mariners in shipwreck. Persons who speak to one another by telephone from a distance of more than twenty paces cannot be said to be mutually present, nor could absolution if given be given orally, that is, by the human voice. The sound received is not the direct human voice, but a substituted sound, as is true also in broadcasting. It is, therefore, held that such absolution would be invalid. The Sacred Penitentiary, being asked if, in case of necessity, absolution could be given by telephone, replied that no answer need be given (1884). Nevertheless, in real necessity conditional absolution might be thus given, for reverence to the Sacrament is then safeguarded.

SECTION 4. Conditional Absolution

1. A condition is a limitation of some sort. A conditional intention is one that is expressed subject to some circumstance, whose existence will render the intention absolute. A sacred minister may wish to bestow a Sacrament absolutely or conditionally. The intention is an essential element in every Sacrament.

All the Sacraments except the Holy Eucharist can be conditionally administered, but only in the Sacrament of Matrimony may the condition regard the past, present

or future. In the other Sacraments it may regard the past or the present. The Sacrament of Penance cannot be given conditionally on some future event, for the absolution cannot be suspended in its effect. Whether or not it can be given on a condition past or present that can be known to God alone is doubtful. It is obvious that this Sacrament can and sometimes should be given conditionally when reverence for the Sacrament must be safeguarded, and a penitent is in obvious need of absolution but doubtfully disposed, or in only probable danger of death, or likely soon to be in such danger, or likely to remain long in mortal sin, or if he urgently wishes to say Mass or to receive paschal Communion.

2. Conditional absolution can and should be given when, if refused, some notable spiritual harm would ensue to the penitent, and if given absolutely, the Sacrament might be invalid. Hence the circumstances of the case need not be extreme, nor is it sufficient that they should be of little consequence. Confessors who always give implicit conditional absolution do not act in accordance with the practice of the Church. If they cannot reasonably doubt about the disposition of their penitents they should absolve absolutely and not refuse nor delay absolution (c. 886).¹

The condition, if necessary or advisable, need never be expressed in set terms, for the Ritual does not prescribe this. It is sufficient to have the intention, and probably an implicit and virtual intention suffices, or, as some explain it, the habitual intention of exercising the rôle of confessor in accordance with the institution of the Sacrament and the mind of the Church, an intention which every confessor is presumed to have. The cases in which conditional absolution can and ought to be given are numerous. The following will serve as examples, viz., in prudent doubt as to whether or not absolution has been given to one rightly disposed, or whether the dispositions are sufficient in the case of a penitent who seems to need absolution, whether the penitent is still morally present, whether a dying person is capable of receiving absolution, whether a person is dead or alive.

¹ For an exception, cf. Treatise XV, Chap. X, Appendix.

SECTION 5. Absolution of the Dying

1. It is not permitted to absolve a dying person who is certainly unfit for absolution. Thus, the unbaptized cannot be validly absolved. It is, however, very difficult if not quite impossible to determine that a given person who has become unconscious is certainly unfit for absolution provided that he is baptized. It is unfortunately the case that some dying Catholics refuse the ministrations of a priest, or decline to fulfil grievous obligations either at once or in view of possible recovery. Nevertheless, probable invincible ignorance on their part will enable a priest to give absolution, at least conditionally, and dying people may not realize the extent of their obligations. Therefore a wise confessor will not always press even serious obligations. The Holy Office (July, 1892) stated that it is not permitted to give the Last Sacraments to a dying person who has left instructions for his body to be cremated after death and will not cancel the instruction, but the Holy Office added that admonition to that effect is to be given or omitted in accordance with the rules laid down by divines, precaution being always taken against scandal.

2. Apart from such a case as the above, Catholics who are dying, even though unconscious, may be absolved, at least conditionally. This is true of the dying who give signs of repentance though no specific confession was made, of the dying who had previously manifested a desire of confession, and of the dying who gave no sign at all, and even of one who fell unconscious in the very act of sinning. It is true also of a Catholic who has lived an evil life, and even of a Catholic who, before becoming unconscious, rejected the ministrations of the priest. In all such cases sufficient sorrow may be presumed to exist for we do not know what dispositions the soul has immediately before death. Whenever a priest may absolve a dying Catholic he is bound to do so, if not by reason of justice at least on grounds of charity.

The absolution given to a dying person who, in presence of the priest, has shown signs of repentance is to be absolute ;

so, too, if he manifested signs not to the priest but to others who testify to the fact. Of course, if the priest, in fact, has reasonable doubts about dispositions, then he will absolve conditionally.

Dying Catholics may be absolved as often as they evince signs of repentance ; they may be absolved even daily and several times a day. Consequently, priests on the mission visit the dying daily and give them the help and consolation of the Sacrament. As the dying cannot confess fully, they can be absolved after the shortest confession, or even after a generic confession if they can do no more. The priest who attends the dying should make confession as easy as possible. Thus, he will suggest some common sins to the patient, tell him to be sorry for all his sins, and to leave the rest alone. The patient should be assured that such a confession is sufficient for the time being, and that all his sins are forgiven in such a confession. All disturbing thoughts about insufficiency of confession should be set aside.

3. In regard to heretics and schismatics, it must first be observed that the Church forbids the Sacraments to be administered to them, even if they are in *bona fide* error and ask for the Sacraments, unless, having rejected their errors, they are first reconciled to the Church (c. 731, 2).

(a) If such a heretic or schismatic is dying and is unconscious, he may be absolved conditionally—his baptism being presumed—if there is any probable hope that he is in good faith and would willingly admit the ministrations of the priest should he think such ministration necessary. S. Alphonsus did not admit this view, on the ground that a dying heretic cannot be supposed to be giving any signs of a desire for confession since he abhors it.¹ But this view is not now accepted, for we never know what goes on in the mind of an unconscious dying man. The favourable view, as stated above, is enforced by the reply of the Holy Office (May 17, 1916) to the effect that absolution and Extreme Unction may be given conditionally to unconscious schismatics at the point of death, especially if from the circumstances we may surmise that they implicitly reject their

¹ *Theol. Mor.*, lib. 6, n. 483.

errors. Scandal must, however, be effectively removed by telling the bystanders that the Church supposes the schismatic to have returned to the unity of the Faith in the last moment.

(b) If, however, such dying heretic or schismatic is not unconscious and cannot be prudently urged to be converted to the Faith, he may be secretly absolved conditionally if he is thought to be in good faith. The canon cited above does not forbid this, for it does not speak of the dying. It is obvious that such a heretic must be disposed so as to make acts of faith, hope, charity and perfect contrition, to believe in the necessary articles of Faith, to express a willingness to do all that is necessary for salvation. An act of perfect contrition should be made, for the absolution may be invalid for want of intention or of confession.

The Holy Office, it is true, stated that material schismatics in the hour of death may not be absolved nor be given Extreme Unction though they ask for them without abjuring their errors, but the reply does not appear to forbid secret absolution. The abjuration of errors should be made if it can be prudently suggested. But if the dying heretic sees no need of it his refusal will not be imputed to him. It is obvious that absolution may not be given to a heretic who is not dying nor in immediate danger, if he will not make an abjuration. In sudden emergencies, as in shipwreck, all of those, heretics included, in imminent danger of death may be absolved *en masse*, since it would be impossible to discriminate. An individual heretic who asked for absolution, might, we believe, be given the benefit of the doubt and absolved conditionally.

4. It is highly probable that death does not take place until putrefaction appears. The subject has been treated elsewhere, but the importance of the fact stated cannot be too strongly emphasized. It is stated wrongly, we believe, that the value of the Sacraments as signs depends on popular estimate rather than on scientific doctrines. It has been maintained that even if the soul is still present in an apparently dead person, absolution and Extreme Unction

would be invalidly given to one apparently dead. This view is, we believe, not proved. On the matter the reader may refer to *Angelicum* for June-September, 1926.

Pastoral Note on visiting the Sick

In attending the sick, the priest should not stoop over them nor catch their breath, nor touch them nor smooth the pillow nor open windows. If he has to stoop to whisper the Holy Name of Jesus in the ear, he should keep his mouth turned away as much as possible. It is better to stand upright. It is advisable not to give Holy Communion to the sick parishioners before the priest has had some nourishment. Excessive zeal to despatch all sick Communions before breakfast will lead to a wasted day. Priests are not doctors, they should recommend the sick to send for medical aid, they should never prescribe even the simplest medicine, not even a glass of water, nor recommend operations. When priest and doctor meet in a sick room, if the case is not urgent, the patient should be attended to first by the doctor and made comfortable. With his ignorance of remedies, a priest might suggest the worst thing possible for a patient and have a death laid to his charge. Young priests beginning parochial duties cannot be warned too soon or too seriously not to interfere with the business of doctors.

SECTION 6. General Absolution

A general absolution may be given to several persons in a body when they are in danger of death, as in battle, air-raids, earthquake, provided that they cannot confess individually. The Sacred Congregation of the Penitentiary embodied the following points in an Instruction which the Holy Father approved, confirmed and ordered to be promulgated (March 25, 1944):

1. When battle is imminent or joined, soldiers may be treated as persons in danger of death and absolved by general absolution. When, however, it is judged that they could not then be absolved, they may be absolved beforehand

if it is thought necessary. Citizens and soldiers may be so absolved when in imminent danger of death during enemy action.

2. The faithful may be absolved in a body when, apart from danger of death, some other grave and urgent cause arises—proportionate to the gravity of the divine precept of integral confession which would oblige them, without any fault of their own, to remain long without the grace of the Sacrament and Holy Communion. To give general absolution licitly in that emergency, a priest must, when possible, refer the case to the local Ordinary, who is to be the only judge as to the necessity.

3. Absolution given in opposition to the aforesaid rules is to be regarded as an abuse.

4. Before giving general absolution, priests must warn the faithful to make an act of sorrow and a purpose of amendment, and it is fitting that they should give opportune warning to them to express their sorrow externally, as by striking the breast.

5. They should also warn penitents that it is altogether necessary to confess unconfessed mortal sins in their next confession.

6. Furthermore, the faithful are to be clearly taught that they are seriously forbidden deliberately to put off their confession of grave sins, when integral confession is obligatory by either divine or ecclesiastical law, in the hope of having an opportunity of being absolved with others in a body.

7. In giving general absolution, the customary long form in the plural number must be employed; but if there is no time for this, the short form may be employed, namely, *Ego vos absolvo ab omnibus censuris et peccatis in nomine Patris et Filii et Spiritus Sancti.*

CHAPTER IV

THE SACRAMENTAL PENANCE (c. 887)

SECTION 1. Sacramental Penance a Punishment

THE confessor must impose penances that are salutary and suitable, relatively to the kind and number of sins confessed and the condition of the penitent. These penances must be willingly accepted by the penitent and fulfilled by him. The Ritual reminds the confessor that he is to remember that the satisfaction or penance imposed is not only a remedy adapted to a new life and a cure for infirmity, but is also a punishment for past sins. The penance is, therefore, primarily in the nature of a punishment voluntarily undertaken or undergone by a penitent, in order to repair the injustice done to God by sin, so that He may be propitiated and may remit the punishment deserved, and that the order of justice may be restored, since one who has violated that order must restore it. In sin we must distinguish the two effects, namely, the stain of guilt and the debt of punishment, temporal or eternal in accordance with the gravity of the sin. By sin man both offends God and violates the order established by God, the Lawgiver. The sinner compensates for the guilt by offering God something that will be, according to His beneficence and mercy, acceptable to Him, and countervail the offence. The debt of punishment is paid when the sinner willingly undertakes or undergoes some punishment with the object of acknowledging and extinguishing the debt. Justice is satisfied when the sinner undertakes or willingly undergoes something contrary to his own ease and pleasure to compensate for satisfying his own ease and pleasure in a matter opposed to God's law.

SECTION 2. Acceptance of the Penance

1. Sacramental penance, if just, has to be accepted by a penitent for the validity of the Sacrament. The penitent's act in accepting it is either an essential element of the Sacrament or is a necessary condition precedent that the

Sacrament may exist at all. Both views are freely held by divines. But satisfaction or penance, viewed as a work to be done or done, is an integral part of the Sacrament, and in both views, of course, the Sacrament is complete before the penance is performed.

2. Sacramental satisfaction, when performed, effects by its very performance *ex opere operato* the remission of temporal punishment due to sins already forgiven, but it has this power in virtue of the sacramental absolution given, not by reason of the devotion of the penitent, though it may have an added efficacy *ex opere operantis*. Since a man must be in God's grace in order that the sacramental penance may be accepted by Him, the penance must be performed in the state of grace ; otherwise, though the obligation is fulfilled, the fruit of it is not obtained. Nevertheless, it is probable that the satisfactory effect of a penance that is performed in a state of mortal sin revives when the state of grace is acquired. To perform a sacramental penance in the state of mortal sin is probably not sinful, nor is its efficacy destroyed if it is performed with accompanying venial sin, such as the sin of voluntary distraction.

SECTION 3. Imposition of the Penance

1. A confessor should normally impose a sacramental penance, even for sins confessed that have been forgiven in a former confession. For mortal sins his obligation of imposing a penance is, of its nature, serious ; for venial sins and for sins already sacramentally forgiven the obligation is very probably light, for the penitent's obligation of performing a slight penance is light. Furthermore, it is probable that the confessor sins venially if without reason he imposes no penance for venial sins or for sins already sacramentally forgiven. Even the sick and the dying should receive a penance, such as the sign of the cross or an ejaculation. It is disputed whether or not an additional penance should be given if a penitent confesses a sin immediately after absolution. If a fresh absolution is given the Sacrament is again received, but the same penance, probably, may serve for

both Sacraments. It is, however, obvious that if a mortal sin is thus confessed and only a light penance had been given for venial sins confessed, a fresh penance bearing a better proportion to the gravity of the mortal sin should be added, or the penance changed. Penance for grave unforgiven sins may be imposed under grave or light obligation. It cannot, probably, be given as a matter of counsel under no obligation.¹ The obligation is to be presumed grave if the penance was imposed for grave sin and if it is itself sufficiently grave, as, v.g., the hearing of Mass.

2. There should be some relative proportion both in amount and quality between the sins confessed and the penance given. In view, however, of present practice, what is meant is that the disproportion may not be manifest and absurd. The practice of a confessor who never imposes more than the lightest penance, even for grave sin, is not in accordance with the mind of the Church. The canons (c. 887) urge confessors to impose fitting penances. Formerly, as may be seen from the Penitentials, as those of Theodore, Bede, Egbert and the judgment of Clement, the penances were severe.² But judgments as to what is severe and what is not vary with different periods, and the discipline has changed. Colet thought that the recital of a Rosary was too slight a penance for mortal sin.³ The Church, which formerly approved of the practice of imposing very severe penances, has for centuries approved of much lighter penances. In no case can it be stated as historically proved that it intended or intends the sinner to be freed from all temporal punishment, but it now uses more freely its jurisdiction in granting indulgences, which are both plenary and partial. The Church, therefore, now invites the faithful to share more fully in the satisfaction of Christ and the Saints, and thus labours for the remission of punishment more gently and more perfectly.⁴ Consequently, it is the custom of good confessors not to impose very grave penances

¹ Cappello, II, n. 330.

² Haddan and Stubbs, *Councils, etc.*, vol. III, pp. 177, 226, 326, 413.

³ cf. Villanova a Zeil, *Tractatus de Satisfactione Sacr.*, p. 66, note.

⁴ Verm., III, n. 545.

except for extreme cases. Many penances that were formerly considered light are now considered sufficiently grave.

3. In regard to the kind of penance to be imposed, the Ritual exhorts the confessor to impose as penances those acts that are contrary to the sins confessed : almsgiving for avarice ; fasting and other bodily affliction for lust ; works of humility for pride ; holy practices for sloth. S. Charles Borromeo advised the hearing of sermons and catechetical instruction for neglect of religious duty ; visits to the church and lengthy prayers for the lukewarm ; daily prayers and prayers for the dead for neglect of prayer ; meditation on the promises given in Baptism for those addicted to worldly shows and dances and other works of Satan. Since prayer is a universal remedy for all sins, it may always be imposed as a penance.

The confessor will be guided by experience and before he has had experience by authors or older priests as to the kind of penance to impose. It is well to vary penances, to make some reference to a forthcoming feast, or to impress some particular devotion, as devotion to the Angels in the case of children, to S. Stanislaus for boys, S. Agnes for girls, S. Joseph for fathers of families, our Blessed Lady for all, the Sacred Passion for great sinners, and so on according to the mind of the Church.

All good works may be given as penances. Unsuitable penances should never be given as, for example, those that last a long time, those that are repugnant to the penitent, such as an apology to an inferior or to a servant, those which would in any way violate the seal or make confession odious. Thus, children should very rarely be obliged to reveal petty thefts.

Though internal acts of the virtues may be given as penances, such as acts of faith for those who entertain doubts about an article of Faith, acts of hope for despondent sinners, external works or vocal prayers are preferable, being more laborious and more consonant with the nature of a Sacrament as an external rite. Works that are obligatory, as the hearing of Mass on Sundays, abstinence, fasting, may be given as penances. If such penances are given the

confessor should make his meaning clear ; the penitent may usually suppose the penance to be a work not already obligatory. Prayers which carry an indulgence may be given as penances and the indulgence can be gained. Even the omission of a good work may be given as penance if deemed prudent, since the omission can be an act of laborious obedience or self-denial. A prayer to be recited in cases of relapse may be given as a penance, since the effort not to fall back into sin is itself an act of abnegation.

4. The estimation of the gravity of a penance differs greatly in different countries, but it is commonly held that what is or would be enjoined by a general law of the Church under grave sin is a grave penance. Thus, fasting or abstinence for one day, the hearing of a Mass, are grave penances ; so, too, the recital of five decades of the Rosary, or of the Little Office of the Blessed Virgin. The recital of any of the Little Hours of the divine office is not a grave penance, since its omission, though serious, is not so owing to its quantity but to the peculiar obligations of a cleric. It is commonly held that the Litany of Loreto, the psalm *Miserere*, five times the 'Our Father' and 'Hail Mary,' are not grave penances. For several mortal sins, there is no need to increase the penance proportionately, but a grave penance, such as the hearing of Mass, the recital of five decades of the Rosary, would suffice.

5. There are sometimes valid reasons for imposing a smaller penance than would normally be imposed. Some of these reasons are, the physical infirmity of a penitent, the spiritual harm that might result from grave penance, intense sorrow manifested in confession, the occasion of a Jubilee or a plenary indulgence, the fulfilment by the confessor of part of a penance with the tacit consent of the penitent. S. Thomas well said : " It is fitting that a priest should not burden a penitent with a grave penance, for as a small fire is easily extinguished when a pile of wood is placed on it, so a small effect of sorrow aroused in a penitent would be extinguished by a grave penance, and he would be driven to complete despair." ¹

¹ *Quodl.*, 3, q. 13, a. 28.

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A grave penance may be made to appear light if the confessor imposes a work of obligation, as the hearing of Mass on Sunday, or something which the penitent intends to do, as the hearing of Mass on a week-day, or reception of an additional Holy Communion, or if alternative penances, grave and less grave, are left to the choice of the penitent.

6. The sacramental penance should ordinarily be imposed before absolution. There is no strict obligation to do so. No sin is committed by imposing the penance after absolution, if there is reasonable ground for supposing that the penitent will accept the penance. It is even better sometimes to give the absolution first, when the penitent, especially one who is ill-instructed, has begun to make the act of contrition. It is well not to interrupt at that moment.

SECTION 4. Commutation of a Penance

1. The confessor is sometimes called upon to commute a sacramental penance imposed either by himself or by another. Some valid reason for doing so is probably always necessary for lawful commutation, though a very slight one is sufficient. Commutation of a penance is an act of jurisdiction. The penitent has not the power to commute his own penance ; a confessor can commute it for him. The confessor who imposed the penance, commutation of which is desired, may commute it, in or out of confession, as long as the exercise of his power can be considered morally united with the absolution given ; no fresh confession is then necessary. He need not remember the sin confessed ; knowledge of the previous penance is sufficient. The commutation may be given even a long time after confession. How long after, it is impossible to say, though theoretically length of time does not seem to affect the matter.

2. A confessor other than the one who imposed the previous penance can commute the penance since he enjoys a like jurisdiction, but he cannot do so outside confession since the act is a sacramental act, and he may consequently do so only in confession and having at least some general knowledge of the sins previously confessed.

This knowledge may be gained either by a generic confession of those sins or by being told what the previous penance was. If the former sins or any of them were reserved, a second confessor, who has no faculties over the reserved sins, can probably commute the penance, since the reservation has been removed—as we here suppose—by the previous absolution. Furthermore, a penitent may, if he wish, disregard the commuted penance and fulfil the previous penance. He may also confess anew the sins already confessed and choose either of the two penances imposed.

SECTION 5. The Obligation of accepting and fulfilling the Penance imposed

1. The penitent must willingly accept and personally fulfil the penance imposed (c. 887). This double obligation is of its nature a grave one, that is, grave in grave matter, light in matter that is not grave. A penitent may, therefore, decline to accept an obviously disproportionate penance, such as the recital of a Rosary for very light sins. If the confessor urges the penance the penitent may withdraw, or he may accept the disproportionate penance with the intention of seeking a commutation of it. A conflict between confessor and a penitent rarely arises. It might do so in the matter of restitution, the obligation of which might not be obvious to a penitent.

2. Deliberately to neglect to fulfil a grave penance, or a notable part of it, or some circumstance that is a grave matter, imposed for grave sin, is a serious sin. A penance imposed in the case of an invalid confession, or when absolution has been refused, is not obligatory. But if a penance is designed to be a preparation for future absolution it must be fulfilled. In brief, therefore, a penance is obligatory under mortal sin if it is a grave penance imposed for grave unforgiven sins, and if the confessor intended to impose a grave obligation, as he is to be presumed to do if the other two conditions are verified. Though a grave penance cannot be imposed for venial sins, a grave penance may be imposed for mortal sins under a light obligation.

3. Penance is normally fulfilled after absolution. A confessor may, however, and sometimes should allow a forgetful penitent or one who is scrupulous and never finishes saying a penance, to say the penance once for all in the confessional, before or after absolution. In the case of normal penitents, if a time for performing the penance has been fixed by the confessor, that time must be observed, and if neglected, the penance has still to be fulfilled, if in the nature of the case it can be fulfilled. If no time has been fixed by the confessor the penance should be fulfilled as soon as conveniently possible. There is no strict obligation of fulfilling it before receiving Holy Communion¹ or subsequent confessions. But though delay in fulfilling a light penance is not serious sin, delay in fulfilling a grave penance may be. Therefore, if a time has been fixed, a short delay is not seriously sinful if it do not notably diminish the value and character of the penance. In cases where, as is usual, no time has been fixed, a short delay is not a serious sin.

4. A personal penance, as fasting, prayer, must be fulfilled by the penitent,² as also the prescribed method of fulfilling it. A penance, as prayer, may be fulfilled whilst another obligation, as the hearing of Mass, is being fulfilled. Prayers imposed must be recited orally; psalms may be recited as they are usually recited in choir, i.e., by alternate recital. The intention of the confessor may always be reasonably interpreted and must be considered to imply the obvious; thus, for example, to hear two Masses simultaneously is not to hear two Masses imposed as a penance.

5. When a penitent has forgotten a sacramental penance he should normally return to the confessor to ask, if he can do so conveniently, and if he thinks that the confessor still remembers the case. If the confessor cannot be approached the said penitent need not repeat the confession; he may fulfil the likely penance, but if he has entirely forgotten it, he need not fulfil any; he cannot validly impose a penance on himself.³

¹ Pope Alexander VIII, pr. d. 22.

² Pope Alexander VII, pr. d. 15.

³ A sacramental penance is fulfilled when performed or said, even though the penitent had then no intention of fulfilling it.

CHAPTER V

DUTIES OF THE CONFESSOR (cc. 886—888)

SECTION 1. The Confessor as Spiritual Father

As the spiritual father of his penitent,¹ the confessor must be filled with divine charity. He will, therefore, as willingly receive the confessions of the poor, the ignorant, the boorish, as of the rich, the educated, the gentle. Where a confessor is alone on a mission, the danger of antagonizing certain penitents is very real; he should, therefore, receive all penitents with the most perfect charity and gentleness, lest even one be driven to carelessness and perhaps despair, for this Sacrament was instituted much more for sinners than for the just who need not penance. Every confessor will meet with great sinners who think that forgiveness is not for them but only for the good. In presence of such spiritual dejection the confessor must employ every consideration possible to arouse the soul from this most dangerous state of slavery. A loving father will not chide a repentant son for any sin however great. The sinner may be reminded of his ingratitude to God, only that he may be moved to love God the more Who has given him the grace of the Sacrament and the opportunity of repentance.

It will seldom be profitable to interrupt the confession, often so laborious, of a great sinner; it is better to forget what questions to ask than to break into his train of thought. At the end of such confession, the confessor will always add words of encouragement, sympathy and peace, contrasting the happiness of those who live in the friendship of God with the wretchedness of those who live in enmity with God. In conclusion, he will exhort the penitent to receive the sacraments of Penance and the Holy Eucharist as frequently as his condition in life will permit, and will even invite him to come again to confession within a month, or better, within a week, to the same confessor, unless he should prefer

¹ cf. S. Alph., *Homo Apostolicus*, tract. 21.

another. He will warn him not to be deterred from confession by a relapse into grievous sin, for the longer confession is deferred the more difficult it becomes, until at last the annual confession, made with the utmost difficulty and at the last moment, becomes an ever-present fear, so that confession ceases to be even annual, and is relegated to the rare occasions of a mission.

SECTION 2. The Confessor as Judge and Physician

1. The confessor should bear in mind that he is both judge and physician and should safeguard the honour of God and salvation of souls, since he is the minister of divine justice and mercy. He is a judge, inasmuch as he passes sentence of absolution or retention of sin ; he is physician, inasmuch as he heals the wounds of sin. The former rôle is the more essential, the latter is accessory to the former, though the absolution itself is primarily and essentially the act of a spiritual physician, for it heals the sinner and restores his substantial spiritual health completely through the action of divine grace.

2. As judge, the confessor is bound to hear the case patiently, without prejudice, without undue haste, not perfunctorily, to hear it to the end, to despatch it, to pronounce sentence of absolution if possible, and without delay, to secure the validity and fruitfulness of the Sacrament, to impose a suitable penance. He must give the benefit of a probability to a penitent who wishes to act on a really probable view in respect of obligations, though the confessor may hold the contrary as more probable, for no one is to be condemned on probabilities only. He need not, however, absolve a penitent who wishes to act on an entirely improbable opinion, for in securing the good of a penitent he should not jeopardize the good of the faithful. He may, however, absolve such a penitent sometimes, owing to his good faith, but he should prevent the possibility of scandal arising.

3. As physician he will apply to the patient all the remedies he can reasonably apply. He should rarely defer absolution if a penitent is worthy of it, and then with the

penitent's consent and for his greater spiritual benefit. He will, at least in some cases and when it appears profitable, inquire into the origins of sins, habits, occasions, place, persons, circumstances. Though he must bear in mind that he is the spiritual father of the penitent, as physician he will administer the necessary admonitions to those especially who seldom confess and are immersed in mortal sins. He must not be a respecter of persons, nor refrain from correcting even those of high station in Church or State. He will treat each case fully, as the good physician who does not leave one patient only half attended to in order that another may be treated. It is better to hear a few confessions well than many perfunctorily. The doubtfully disposed penitent should receive the confessor's careful attention, and time is not ill-spent in arousing in him the fear of God's punishments, for the confessor will have to answer to God for the penitent before him not for the others who are waiting, though, perhaps, they will have to retire without confession. Consequently, the vincible ignorance of a penitent should be corrected. If his ignorance is inculpable and not concerning matters of importance, he may sometimes be left in good faith, especially if admonitions would be unprofitable, for it is conceded by nearly all divines that material sins may sometimes be allowed to continue rather than that an enlightened penitent should commit formal sin. The ignorant penitent must, however, be enlightened if silence would imperil the common good, or if the penitent ask to be instructed, but the prudent confessor will not answer more than is asked, and will, at all costs, avoid entering into prolix disquisitions. Furthermore, the confessor will dispose the penitent to make a full confession of mortal sins by helping him to examine his conscience, but with great prudence, omitting questions when in doubt, and always accommodating himself to the character of the penitent. He will also help the penitent to make a serious purpose of amendment to avoid sins and the occasions of them, and dispose him to make an act of sorrow, sometimes even saying the act of contrition that the penitent may repeat it phrase by phrase.

4. The confessor will induce the inveterate and habitual sinner to realize the justice of God's punishments and to elicit sorrow from the fear of hell, as a divine retribution, not out of a motive of completely servile fear, but of that filial fear which a creature rightly conceives in respect of a good and just Father. From the motive of the fear of hell the sinner may be led to contemplate the Sacred Passion of his Saviour, and realize that sin is an attack on God as well as an evil to himself. It is then a short step from gratitude to the Redeemer to perfect love of God.

SECTION 3. Prudent Questioning

1. The canons forbid the confessor to ask the name of a penitent's accomplice in sin (c. 888, 2) ; he would equivalently ask the name if he inquired of such circumstances of a sin that would lead to the knowledge of the accomplice. He may not, therefore, even indirectly seek to know who an accomplice was. In the former discipline, three papal constitutions of Pope Benedict XIV and one of Pope Pius IX pronounced excommunication against those who taught or defended the practice of demanding the name of a penitent's accomplice under threat of the refusal of absolution. But merely material or incidental inquiry concerning an accomplice is not forbidden, for such inquiry may be necessary, when, for example, the circumstances of a sin must be known for the integrity of confession or for the direction of a penitent, with the consequence that the confessor learns who the accomplice was. But formal, deliberate and unnecessary inquiry is forbidden and would be grievously sinful. At the same time, a penitent may be required under pain of denial of absolution to denounce an accomplice to a Superior, where great harm is being done. The confessor should not receive this denunciation without the gravest reason, and then preferably outside confession, and should not himself correct the accomplice, since there would then be a suspicion of violation of the seal.

2. The canons further forbid the confessor to ask curious and useless questions, especially in regard to the Sixth

Commandment, or imprudently to ask questions of the young concerning matters of which they are ignorant. Consequently, if he must ask questions in regard to chastity, he should have a regard most of all for the age of the penitent. In general he may ask about thoughts. If these are denied, he need proceed no further. If they are admitted, he may ask about desires, conversations, looks. If these also are admitted, he may ask simply the question: "Have you done anything?" If this is admitted, he may inquire about solitary and mutual acts, without going into any specific details. Certain crude expressions, such as are frequently employed by adolescents, those keeping company with a view to marriage, and the married, should never be used by the confessor, and if a term is used by a penitent that is generally considered obscene, the confessor should suggest a term less objectionable, telling the penitent to employ that for the future if need be. The names of gross forms of sexual sin should never be used by the young. Married people may be left to express themselves in their own way, but in the last resort and when there is quite obvious need to ask them a leading question, the confessor may ask if anything was done to prevent the issue of right and honourable marital relations. This question has become more necessary than it was formerly, since even Catholics are sometimes misled by the too prevalent views on artificial restriction of conception.

3. Confessors are mistaken who imagine that they should inquire about and clearly apprehend with the greatest certainty every detail of a sin and the measure of a penitent's advertence and consent. Such certainty it is often impossible to have. When a penitent confesses a sin, he may be generally supposed to have been aware of the sin and to have consented to it. If he obviously requires instruction, it should be given clearly and briefly. But experience alone will teach a confessor what questions to ask and the manner of asking them. The only general rule that can be given is that the questions should never be curious, useless, calculated to scandalize, or meticulous, and that in the matter of questioning, it is better to err by defect in many things

than to exceed even by one question in that which is indelicate. This was enforced by the Holy Office (May 16, 1943).

SECTION 4. Absolution in Cases of Doubtful Sincerity

1. A confessor must, in general, believe a penitent both when he accuses and when he excuses himself. He must refuse to give absolution when he knows for certain that a penitent is concealing a mortal sin in serious bad faith. This contingency would arise very rarely. When the confessor knows for certain that the penitent has committed a grievous sin which he does not confess, and which, when he is questioned, he denies, it will be of great help to bear in mind that the sin may not have been thought to be mortal, or perhaps has been forgotten, or has been confessed already, or may have been withheld for a good reason.

2. In case none of these suppositions avail :

(a) If the confessor's knowledge of the sin was obtained outside confession and from others, he may absolve the penitent after prudent questioning, and probably ought to do so, for the penitent is to be believed.

(b) If the confessor knows of the grievous sin outside of confession and from his own personal knowledge, having seen the sin committed, he may not give absolution if he has very good reasons for thinking it has not been confessed.

(c) If the confessor knows of the grievous sin from the confession of another, he may question the penitent in a very general way, or even in detail, if such a sin is usually committed by the penitent, and then, if the sin is denied, he may dismiss the penitent without absolution, or recite some prayers as though absolving, or absolve conditionally, or even, according to some, absolutely, since one cannot be quite sure that the penitent has sinned deliberately or, if he did, that he has not already confessed.

SECTION 5. The Obligation of giving or refusing Absolution

1. If the confessor cannot doubt concerning the due dispositions of a penitent and if the latter seeks absolution, it is not to be refused nor deferred. The confessor cannot

expect to have absolute certainty in respect of the penitent's disposition for absolution, nor even strict moral certainty. It is sufficient for him to arrive at a prudent and probable judgment, for as a rule nothing more is possible, since the interior dispositions of penitents are as a sealed book. In view of the common teaching of theologians, those confessors greatly err who harass a penitent with meticulous questions in order to reach a certainty that is humanly impossible, and that would render the Sacrament too arduous to administer or to receive. Nor is it necessary that the confessor's judgment should be even very probable so as to exclude every serious contrary reason, for it is possible to entertain even a grave suspicion against a penitent's dispositions together with a sufficiently prudent and probable judgment in his favour. To absolve in such circumstances is not to follow probable opinions in administering a Sacrament, a procedure that is condemned.¹

A confessor will arrive at a prudent judgment if he frequently turns over in his mind what has been laid down by eminent divines regarding the signs of the penitent's dispositions. The following are enumerated as trustworthy signs: Spontaneous confession made willingly; sincere and humble accusation; expression of sorrow; some reformation of life since the previous confession; a confession made in spite of difficulties, whether personal or those due to the penitent's surroundings; a sincere promise to follow the confessor's advice; confession of sins formerly concealed; confession on the occasion of a mission, retreat, sermon, or some personal misfortune.

2. The obligation of giving absolution to one who is disposed for it is a grave one and is based on justice, for the confessor is bound, *ex officio*, to fulfil his part of the implicit contract he makes when he allows a penitent to confess to him. Furthermore, immediate absolution frees a penitent from sin, imparts grace at once, and if he were in grievous sin, restores at once his sonship of God and his right to heaven.

Even though venial sins only or forgiven mortal sins are

¹ Pope Innocent XI, pr. d. 1.

confessed, the penitent has a right to immediate absolution, but since the loss he would then suffer, if not absolved, is not grievous, refusal of absolution now and then would be a venial sin unless the penitent sought absolution explicitly and took it ill that he was not absolved, in which case the confessor is seriously bound to absolve. The penitent, however, has his obligation. If he makes only a generic confession of venial sins or of forgiven mortal sins, when he is reasonably asked to confess specific sins and could do so, he has no right to absolution.

3. A penitent about whose dispositions the confessor doubts may and sometimes should be absolved conditionally for a grave reason. He may be absolved, if otherwise he would be obliged to repeat his confession to another confessor with inconvenience, or if he were about to receive the Sacrament of Matrimony. He should be absolved in the following cases, namely, if he is in danger of death, if he might otherwise suffer defamation, if he would have to remain long in the state of sin, if he might be antagonized against the Sacraments, if he is making his confession and Communion of precept, if he rarely approaches the Sacrament.

Absolution of a doubtfully disposed penitent may be deferred for a good reason, though it is rarely wise to do so. It may be deferred even in the case of a disposed penitent, if the confessor judges this to be very profitable and the penitent consents that it should be deferred. The delay will be profitable if the penitent will thereby realize the gravity of sin, it being supposed that he does not, or if he will conceive greater hatred of sin, or be more determined to amend his life, and all this is to be verified in the concrete, in respect of the actual penitent, for there is little doubt that most penitents would better realize the gravity of sin if their absolution were frequently deferred. But penitents wish to be absolved, and if absolution is refused against their will when they are duly disposed to receive it, no spiritual good will ensue. If absolution is deferred, it should be deferred for a short time only, better for one day than for two days, and the confessor should most carefully explain

why he acts thus, and invite the penitent to confess soon, and in the meantime to carry out the counsels of the confessor.

4. Absolution may not be given to a penitent who is not disposed for it or is incapable of receiving it ; to give it to such would be a grievous sacrilege. But the unfitness of the penitent must be certain, for a confessor should not refuse absolution when in doubt. It is, however, part of his paternal duty to dispose those who are unfit for absolution, by setting before them the enormity of sin, its effects, the dangers of the delay of conversion, and the added sacrilege of an unworthy confession. The faintest glimmer of sorrow will suffice, and every confessor has experience of the penitent whose initial sorrow appeared slight indeed, but who, on receiving the gentle admonition of a prudent confessor and absolution, goes away with a degree of sorrow that even a Saint might envy. Such victories of divine grace are common during the time of a mission. The confessor cannot fail to win great merit for himself by reclaiming such sinners.

5. Defect of sorrow will be most difficult to discern ; it would evince itself in a very perfunctory method of confessing or, as is not infrequently the case, in the penitent's error in thinking that the act of sorrow should be made after absolution. It may also show itself when no fitting preparation for confession has been made, or when the confession is made with rather obvious want of humility, or if the penitent excuses himself, or if he accepts advice and penance with petulance and irritation. But defect of sorrow most frequently evinces itself in defect of a due purpose of amendment, which, in turn, is shown by frequent relapse into the same grievous sins without any obvious attempt to amend or to avoid the free occasions of grievous sin, or by neglect to make necessary restitution, or to desist from sinful practices after admonition, or to repair scandal given, or to adopt any of the remedies for sin suggested by the confessor.

SECTION 6. The Duty of suggesting Remedies
against Relapse

Since a firm purpose of amendment is essential in the Sacrament, frequent relapse into the same mortal sins may sometimes be a sign that the purpose was not sincere. But even when it has been sincere, the relapse may drive a sinner into despair of ever avoiding the same sins, so violent is the temptation and so inveterate has habit become. The confessor will, therefore, point out the remedies against a relapse. These remedies are indeed numerous. It will often be sufficient for the penitent to concentrate on one only, or several closely connected may be suggested, to be used on different occasions. Amongst those remedies, the following have proved most effectual :

1. An ejaculation at the moment of temptation. Penitents unaccustomed to prayer know no ejaculations. The confessor may suggest one or two, such as, "Jesus, mercy ; Mary, help" ; "Passion of Christ strengthen me" ; "O God, be to me a Saviour" ; "Heart of Jesus Hope of all who trust in Thee" ; "Mother of God be to me a Mother" ; "My good Angel protect me."

2. Some prayers night and morning. At these times the purpose of amendment should be renewed with great force of will, with humility and confidence.

3. Confession after a relapse, frequent confession, if possible, under all circumstances, and recourse to the same confessor.

4. Frequent reception of Holy Communion, the greatest antidote to sin, but a reception that should be devout, with suitable preparation and thanksgiving.

5. Avoidance of those voluntary occasions which are known to lead to a relapse. Though, in general, the sinner will find it difficult to break away from the occasions of sin, as they exercise the greatest fascination over his will, nevertheless, one victory gained and that as soon as possible after confession, will render a second victory less difficult, for the will, if a man is sincere, has wonderful powers of recuperating its strength.

6. The reading of good Catholic books and the avoidance, at least for a time, of all secular literature that has the least bearing upon the sins confessed. Add to this, some brief but frequent meditation on the Incarnation, the Last Things, the Presence of God, the Sacred Passion, the Way of the Cross. It is not, as divines point out, the spasmodic attempt at meditation that succeeds, but the daily attempt, the daily visit to the Blessed Sacrament, if possible, the daily renewal of resolutions. In the exercise of mental prayer the penitent will follow the wise counsels of spiritual directors, and will continue in prayer when he experiences the graces of consolation, great sorrow or tears. Those precious consolations withdraw the soul from the love of mundane things, give it a new outlook on life and foster a special love of God, goodness and virtue.

7. Even after a relapse, the penitent should not hearken to the insinuation of the Evil One that virtue is too difficult and is only for the Saints, but will arise with sorrow, confidence and hope, and indeed the greater his sins the greater need he has of confidence and the more reason for hope.

8. A sincere penitent will inflict some penance on himself, as fasting, abstinence, going without a luxury, even bodily pain, for these acts are not only acts of satisfaction for sin, but are calculated to brace the will and intensify the determination against future relapse.

9. The remedies against particular vices have been already suggested in the treatment of the capital vices.¹

SECTION 7. The Obligation of correcting Errors in the Administration of the Sacrament

1. In Respect of the Validity of the Sacrament

1. A confessor's obligations of correcting his defects or mistakes may arise from justice or charity ; the former is, of its nature, a more serious obligation than the latter, but both may be serious.

An obligation in justice will arise if the Sacrament was invalid through the confessor's fault, or if he positively induced the penitent to do what issued in harm to the latter

¹ *Supra*, vol. I, p. 236 sqq.

or to a third person. An obligation in charity will arise if his fault related to the integrity of confession, or issued in harm to penitent or a third person by failure to give due advice during confession. The obligation of rectifying an error may be very grave indeed, as when a dying person has not been validly absolved through the negligence of the confessor.

Some mistakes can be rectified without the penitent's knowledge ; others, only with the penitent's permission to speak about confessional secrets outside confession ; others cannot be rectified at all and must be deplored. Most confessors have made mistakes, especially in the matter of not imposing restitution, in not speaking of occasions of sin, in not giving a proportionate penance, in not asking a penitent to repeat what was not heard, in not satisfying themselves whether a sin was grievous or not.

2. When the error related to the validity of the Sacrament, the confessor is seriously bound to rectify his error, if it resulted from his grave negligence and issued or might easily issue in grave harm to the penitent. S. Alphonsus cites two contrary opinions on this matter, but adopts that in the text, which is the common opinion.¹ Lugo does not impose the serious obligation, if the harm that would ensue to the confessor or a third party would be greater than the harm to the penitent of not having his sins directly remitted, for the sins would be indirectly remitted in the next good confession.² The error, if due entirely to the confessor, is not a matter of the sacramental seal and may be spoken of without previous permission of the penitent, but if it was due to any defect of the penitent, his permission must be obtained before the subject is re-opened. Consequently, if the penitent returns to confess to the same confessor, the latter will ask the penitent to accuse himself, in a general way, of the sins confessed in the previous confession and to elicit sorrow for them. If the penitent will not return for some time or cannot be counted on to do so, the confessor should try to find him, ask permission to speak of his confession, and tell him to come to confession

¹ *Theol. Mor.*, lib. 6, n. 619.

² Lugo, *de Penit.*, d. 22, n. 58.

again. Divines state that if the penitent has since received Viaticum and Extreme Unction, there is no strict necessity of telling him of the defective absolution, since the reception of Viaticum and Extreme Unction with attrition extinguishes the sins through the infusion of sanctifying grace. A confessor who preferred to adopt the more satisfactory course would urge the penitent to repeat the sins in general, to make an act of sorrow for them, and to receive a fresh absolution.

3. When the error affected the validity of the Sacrament and was due to no fault of the confessor or only to a slight fault, even then he would be bound under grave sin and at his own grave inconvenience to rectify the matter in the case of a penitent who is in danger of dying in mortal sin. In other cases, he would not be so bound.

2. In Respect of Integral Confession

1. A confessor must correct, even outside confession, but apart from his own serious inconvenience, with the permission of the penitent, a mistake he has made in explicitly teaching that species of sins and circumstances which have to be confessed need not be confessed, as, v.g., if a confessor told a penitent that the word 'theft' sufficiently included sacrilegious theft, or that unchastity included adultery.

2. If he did not explicitly teach as above, but merely neglected to inquire into species and number of sins, he need not rectify the mistake outside confession; but he should take an opportunity in the next or subsequent confession to correct the mistake if he can do so without grave inconvenience. His obligation to discharge such a duty neglected during confession must be fulfilled during confession, since it is not a matter that affects the common good nor the validity of the Sacrament.

3. Correction of Wrong Advice given

1. If it should have happened, and it would rarely happen, that a confessor gave wrong advice with seriously culpable intention, whereby grave harm ensued to penitent or a third person, he is bound to correct his mistake even at his

own grave inconvenience. If, furthermore, he seriously neglected his duty, in matters of restitution he would himself be bound to restitution. The mistake should be corrected in confession, or with the penitent's permission outside confession. In other cases, where, v.g., the confessor inadvertently gave a wrong answer to a penitent during confession and the answer led the penitent to commit material sin, he must correct his mistake if he can conveniently do so. This obligation would undoubtedly be very serious if the matter to be set right were one relating to faith or very important aspects of moral conduct. The particular danger in the latter cases would be that the penitent, being confirmed in his false view, would inevitably tell others that such or such an immoral practice was permitted under certain circumstances. This danger is far from being imaginary in matters of pre-nuptial conduct, marital relations, reading of bad books, petty thefts, hospital practice, surgical procedure, compensation for damage done.

2. The confessor, who, through wrong advice given to a penitent, is the effectual but not seriously unjust cause of harm ensuing to a penitent or a third person, is bound to rectify his mistake in or out of confession, but at less inconvenience to himself than if his fault had been grave.

3. If this mistake consisted in not giving advice when he should have done so, he cannot be said to be a positive and effectual cause of any harm that ensued in consequence. He is, however, bound to rectify his mistake, not on the ground of justice, for he has no duty in justice to forestall the harm of third persons, nor of a penitent who does not inquire as to obligations, such as those of restitution, but he is bound on the ground of charity in respect of both penitent and a third person. This obligation will be the greater if he were in fault, but his own inconvenience will excuse him if proportionately greater than the harm ensuing.

4. The question of a confessor's obligation to restitution in consequence of wrong advice given is a serious one. The subject has been dealt with in the Pastoral Notes on Restitution.¹

¹ *Supra*, vol. II, p. 345.

SECTION 8. The Obligation of understanding and judging the Case

1. The confessor is bound to understand what is submitted by the penitent, except in the rare cases when a penitent's vernacular is not known to the confessor. He must, therefore, understand the sins confessed, that is, whether they are grievous or not and how the grievous sins differ specifically. This is the knowledge of sins objectively. This knowledge is to be acquired only by study. But it is sufficient that he should judge of the matter in a general way, by applying the general principles of specific and numerical distinction between sins, for an exquisite knowledge is not to be expected, considering the controversies of divines. If a confessor makes mistakes in so recondite a matter, the confession and absolution will, of course, be valid. He must also try to understand the conscience of the penitent, and may usually judge of the penitent's accusation at its face value, presuming grave sin if grave sin is confessed. If there is doubt, questions should be prudently asked ; if doubt persists, he need do no more.

2. As each mortal sin is to be confessed, each should be understood by the confessor. Therefore, when a penitent uses expressions that are too vague or unintelligible, a confessor should ask questions and instruct the penitent how to confess in the future. When the confessor understands nothing, he may absolve the penitent if the latter cannot without grave inconvenience be sent to another confessor who can understand. But even the vernacular of some penitents is understood with the greatest difficulty. In such cases, penitents should be urged to speak slowly and distinctly from the beginning. When only venial sins are presumably confessed, some only of which the confessor understood, absolution may be given. If, as often happens, the confessor has not heard or understood one or two sins confessed, owing to drowsiness, distraction or noise, he should ask the penitent to repeat, unless he is morally sure that only venial sins have not been understood. In confessions, however, made after a long lapse of years, if only a few sins

have not been understood, absolution may be given without harrying a penitent, who else might be deterred from the Sacrament. But a confessor should be very particular to try to understand all matters concerned with restitution and sins of the married, for serious admonition must be given in such cases, the omission of which might confirm a sinner in evil ways.

3. Should the confessor forget some of the sins confessed when he is about to absolve, he should not ask the penitent to repeat, but having made up his mind, as the confession proceeded, what penance and what admonition to give, he should give them and absolve. In lengthy confessions it is often impossible at the end to remember what was confessed at the beginning, and confessors are only bound to act in a humanly possible way.

CHAPTER VI

VARIOUS CLASSES OF PENITENTS

SECTION 1. Penitents who have contracted Habits of Sin

THOSE penitents are said to have contracted the habit of a particular sin who, by frequent and repeated acts of the sin, have contracted an inclination to it. That they may be said to have contracted a habit, it is necessary that they should have committed the sin frequently and at definite intervals of time not greatly removed from one another. But frequency is a relative term, for in the most deliberate sins, such as those that are gross, a longer interval and a less frequency could constitute a habit, whereas in those that are due to sudden and impetuous passion and in those that are more easily committed, greater frequency would be necessary. Furthermore, the habit of internal sin is more easily contracted than the habit of external sin, that of speech more easily than that of deed.

2. Any external sin committed once every week for a considerable time, v.g., for a year, and in the case of chastity, once a month, is thought to be habitual. Internal sins committed once a day for some time or three or four times a week for a considerable time are thought to be habitual.

3. The habitual sinner, in the sense explained, may be absolved, if he is duly contrite and seriously purpose emendation. It is not necessary that he should have broken off the habit, for that is impossible to do in a short time, and the repeated sin is not a proof of want of due dispositions, nor is it necessary that he should evince extraordinary signs of sorrow or determination. He must, however, undertake to employ some means, usually those assigned by the confessor, to overcome the habit. The best means are frequent confession and Holy Communion if sincerely undertaken, though these cannot be imposed as obligatory, except, probably, in cases of habitual unchastity which is a sin not easily overcome except by the grace of the Sacra-

ments. If this appears practically necessary, the confessor may impose frequent confession.

4. The signs that would prove the good disposition of an habitual sinner are evidences of sorrow, trouble undergone in seeking a confessor, confession of sins hitherto concealed, a period passed without a relapse and that in view of confession, corporal penances undertaken and frequent prayers recited, longer intervals between successive sins, suggested remedies applied, severer remedies asked for, desire to suffer retribution for sin. Divines warn confessors against trusting to outward signs of sorrow that are the outcome of an hysterical or very emotional temperament. Some of the grosser sexual sins and hypersensibility often go together.

5. The habitual sinner, in the sense explained, may not be absolved if he do not seriously undertake to apply some effectual means, or if he apply none at all and has neglected to do so several times. But even then he may be absolved if any of the signs of a change of heart enumerated above are given.

The confessor who is confronted with an habitual sinner hitherto unknown to him must ask the penitent when he made his last confession and then apply the rules as set out above, as if the penitent had regularly confessed to him, for it is part of the spiritual weakness of such sinners that they seek out many confessors to their own great spiritual loss. Since confession to the same confessor is practically necessary in these cases, that procedure may be strongly urged. An habitual sinner will not amend his life if he seldom confesses, or if he goes from one confessor to another.

6. With the penitent who is presumptuous the confessor will urge considerations of God's justice ; with one who is terrified at the thought of God's justice he will remind him of God's mercy ; with one who despairs of his ability to rise he will praise even the smallest emendation ; with one who boasts that he can conquer bad habits he will urge considerations of caution and humility. In the case of penitents who are addicted to sins of different kinds, the confessor will attack the root-evil, so that one habit after

another will give way, as though the foundation of all of them had been undermined.

SECTION 2. The Recidivist

1. Strictly speaking, the recidivist is one who frequently falls into the same sin after repeated confession and without any effort at emendation. The recidivist is usually an habitual sinner, in the sense already explained, but he need not be such. Thus, the penitent who, confessing three or four times in the year, accuses himself each time of the same grievous sin committed once only since the previous confession, is not an habitual sinner though he may be a recidivist. One who fights against temptation but falls each time is not a recidivist. The true sign, therefore, of the recidivist is that he falls frequently, that is, more than once or twice, into the same sin after repeated confessions, without any effort to avoid the sin. In a wide sense, everyone who falls into the same sins after confession is a recidivist, but the absolution of the ordinary penitent who is a recidivist in that sense presents little difficulty. It is the absolution of the true recidivist that presents difficulties and has given rise to two different schools of thought, the one, that of S. Alphonsus and his followers, the other, that of most of the older divines who preceded him and of many subsequent to his time. The difficulty of accepting the view of S. Alphonsus, if we are to interpret his words strictly, is that he would exact, in the case of every recidivist, some extraordinary sign of his disposition for absolution even the first time after his fall into the same sin. But when we ask what are these extraordinary signs, we find in the text of S. Alphonsus¹ and in the words of his commentators,² that many signs are there enumerated which appear to be quite ordinary, such indeed as any penitent who seriously wishes forgiveness would evince. Since the two opinions are taught in the schools, though they are somewhat divergent if we consider words only, the less severe opinion will be here set forth because it is in point of fact the opinion more

¹ *Theol. Mor.*, lib. 6, n. 460.

² Ter Haar, *De Occasionariis et Recidivis* (1927), p. 306 sqq.

commonly adopted nowadays by many good and prudent confessors.

2. The recidivist may be absolved whenever the confessor has a probable and prudent judgment of his fitting disposition. Certainty is not necessary, nor is the certainty of actual relapse a reason for refusing or deferring absolution. But the confessor must have this probable and prudent judgment, to the formation of which he will be helped here as in all his ministry, if he bears in mind that relapse into sin due to frailty, temperament, youth, is much easier and not so blameworthy as relapse into malicious sin. Those, therefore, who fall into the former kinds of sin may be absolved if they evince the ordinary signs of a good disposition ; those who repeatedly commit sins that are malicious, that is, sins which are due not so much to the vehemence of temptation as to a wicked, obstinate will, are to be considered indisposed for absolution for they have no serious purpose of amendment. Nevertheless, if they give evidence of real sincerity they may be absolved, and a word of advice should be added, and repeated admonition to use the means necessary to diminish the frequency of their sins.

3. If the recidivist is, in the prudent judgment of the confessor, sufficiently disposed for absolution, he should be absolved when his relapses are the result of a weak and vacillating will and mere frailty. To defer absolution in these cases is not necessary nor expedient. But if, though well-disposed for absolution, he has neglected to avoid some free occasion of sin, or has not fulfilled some grave obligation when he might have done so, and if this has happened several times, absolution may be deferred if the delay would be to his spiritual profit and if he consents to the delay. But it is a very serious matter to remain in the state of mortal sin, and the delay should therefore be short. Authors approve of a delay of a day or two, a week or a fortnight. We should advise a few hours delay only, and would urge the penitent to meditate or pray in the church before the Blessed Sacrament or meditate on the Passion of our Lord, and after a delay of two or three hours to return for absolution. Absolution should not be deferred in the case of those

who would certainly not benefit by the delay, such as the indevout and careless who seldom approach the Sacraments, for these would probably not return at all, or might be deterred from the Sacraments altogether. Youthful penitents, who are being religiously educated, may very well benefit by a delay of absolution when they evince signs of levity or insincerity.

4. If the recidivist is doubtfully disposed and there is no urgent necessity that he should be absolved even conditionally, absolution may usefully be deferred, for it is the duty of a penitent to give some probable signs of his good disposition. Nevertheless, it is always better nowadays to dispose the penitent in the confessional to receive absolution profitably. It is suggested by some authors that a recidivist, if he can be disposed for absolution, may well be advised to abstain for a time from Holy Communion, most especially if there is some scandal frequently recurring, as is the case of the habitual drunkard, that should be repaired, for the faithful expect a man who receives Holy Communion every month, for example, to lead a tolerably Christian life.

5. Most Catholics fall into the same venial sins and have to confess the same sins each time. But their dispositions need not be suspected, for it is very difficult to avoid venial sins of that particular species to which one is by habit inclined. Even those who lead a good life in religion are for the most part liable to commit the same venial sins frequently. They should be exhorted to conceive a greater sorrow for some particular venial sin which they desire to be rid of, or of some past sin. Any real defect in disposition is thus remedied.

SECTION 3. The Penitent who is in the Occasions of Sin

1. An occasion of sin is an extrinsic circumstance which offers to one an opportunity and enticement to sin. The circumstance may be a person, a thing, or a place (situation, work, environment). An occasion of sin is not the same as the danger of sinning, for this may be internal as well as external, and it includes all natural propensities to sin ;

consequently, two factors constitute an occasion, namely, the object that affords both opportunity and enticement, as actual drink to a drunkard, and the subjective inclination to sin.

2. A proximate occasion of sin is one in which a person almost always sins. To decide whether or not an occasion is proximate, the factors of actual sin, disposition of a person if he were exposed to the occasion, and general experience must be taken into account. Since frequency is a very relative term, divines differ in their definition of proximate occasion. It appears preferable to say that an occasion is proximate if there is moral certainty that sin will be committed in that occasion. An occasion is said to be absolutely proximate if it is commonly so for all persons. An occasion is relatively proximate if it is proximate for certain individuals or classes of people, but not for people in general, owing to the peculiar temperament of the former.

A proximate occasion may be a free or a necessary occasion. It is free, if it can easily be avoided; it is necessary, if it cannot be avoided, either absolutely and physically, or morally, that is, without considerable difficulty, as grave spiritual harm, or serious harm to life, fortune, or reputation. The gravity of the difficulty, harm, or loss must be estimated by the condition of the individual or by common opinion. A proximate occasion may be continuously present, such as an occasion in which one lives, or not continuously present, such as one that has to be sought and can easily be found.

3. In regard to the absolution of penitents who are in a free proximate occasion of sin, the following rules are given :

(a) Such a penitent, who could easily give up or avoid a free proximate occasion of grave sin but is unwilling to do so may not be absolved, since the will to remain in such occasion is itself a grave sin. Excuses need not be accepted. The occasion must be given up. We are here considering the case of one who, in such occasions almost always sins. On the contrary, if the sin is less probable than the avoidance of it, it is obvious that the occasion is not really proximate, and the penitent would not then be under a certain grave

obligation of avoiding such an occasion of probable sin. Fr. Merkelbach, O.P.,¹ with S. Alphonsus and others, takes a stricter view, namely, that a penitent must avoid, under grave sin, even a probable danger of sinning. We believe that he confuses the issue, for the question is not whether it is a grievous sin deliberately to risk committing a mortal sin—all would agree that it is—but whether we are obliged under grave sin to give up or avoid an occasion in which we shall probably not sin at all, though probably we shall do so. In this view, it could never be permitted to remain in an occasion in which we sometimes sin but sometimes do not, the chances being, let us say, equal. The view multiplies grave obligations to an alarming extent.

The confessor sometimes realizes without difficulty that a particular occasion is, for a given penitent, a free proximate occasion of serious sin. But he is sometimes left in doubt as to whether an occasion is really proximate. He may not then impose any grave obligation, but he should suggest means of rendering the danger of sin less likely. Even when he is certain that an occasion is proximate, he may absolve a penitent who does not realize the obligation of avoiding the occasion, lest by refusing absolution and imposing grave obligations he make matters worse and destroy the good faith of a penitent. He may not, however, absolve if good faith cannot be supposed, as when a man retains a mistress in his house, or if the penitent is endangering his faith or morals by reading forbidden books, or if he is giving grave avoidable scandal to others.

(b) When the penitent seriously promises to avoid a free proximate occasion of sin, he may be absolved if he can be believed. But if he confesses frequent relapses, no effort having been made to avoid them, and has been as frequently admonished, his sorrow is a make-believe, and he may not be absolved until he has actually put away the occasion of sin. At the same time, if the need for absolution is urgent, he may be absolved, provided he gives a serious promise to avoid the occasion. The opinion of those authors who would not approve of absolution being given, even on the

¹ *Questiones de Penit.*, p. 48.

first occasion of a confession of a penitent who was in a free proximate and continuous occasion, and has not yet got rid of the occasion, is extrinsically probable owing to the great authority of S. Alphonsus and others, but we are not obliged to subscribe to it as certain.¹

4. In regard to the absolution of penitents who are in a necessary proximate occasion of grave sin, the following rules are given :

(a) The case supposed may be that of a penitent who does not wish to avoid what has proved to be for him a proximate occasion of sin, because it is a serious inconvenience to do so. The occasion has proved to be and is naturally a proximate occasion. In the case, absolution may be given, provided the penitent seriously undertakes to apply some sufficient means to render the occasion a remote one. Such means would be frequent prayer, frequent reception of the Sacraments, a penance undertaken after each relapse, daily renewal of serious determination. The inconvenience is, of course, relative. Generally speaking, the inconvenience of giving up some lucrative position with little hope of getting its equivalent would be sufficient. The obligation is, therefore, either to abandon the occasion or to apply a suitable antidote to sin.

(b) In the case of a penitent who lives in a necessary proximate occasion of sin and has confessed the identical sin several times, the confessor may absolve, if the penitent seriously undertakes to apply serious means to avoid the sin. That disposition, if it can be relied upon as serious, is sufficient for absolution. Some divines require the occasion to be abandoned even with very grave inconvenience, relying on the words of our Lord : "If thy eye scandalize thee, pluck it out" (Mk. 9, 46).² It appears true, however, to say that a really serious purpose of amendment and intention to take requisite measures to avoid sin, are compatible with remaining in an occasion which has hitherto been an occasion, even of continued sin. If the two were not compatible, the number of penitents who would be obliged to

¹ *Theol. Mor.*, lib. 6, n. 454 ; cf. Noldin, III, n. 400 ; Cappello, II, n. 829.

² cf. S. Alph., lib. 6, n. 458.

relinquish their situations in life would be very great indeed. Nevertheless, if frequent relapse induces a confessor to believe that there has been no serious effort, he should oblige the penitent either to apply the necessary remedies more diligently, or to quit the occasion even with the gravest inconvenience.

SECTION 4. Child Penitents

1. Children in this country are usually well prepared for confession and there need not be any doubt as to their capacity. In the rare cases when a child does not appear to have come to the use of reason conditional absolution may be given. But many children are apt to be perfunctory both in confessing and in receiving Holy Communion. This is especially the case with young boys in the primary schools. In spite of teachers and priest, they sometimes make confession a matter of routine. The haste with which boys confess is a fault that must be corrected. The correction depends on the confessor much more than on any instructions the child receives outside confession. The confessor should not allow confessions to be made hastily. The boy must be checked from the beginning, told to make the sign of the cross, to recite the formula : " I confess to Almighty God and to you father that I have sinned," to enumerate sins against the Commandments in sequence, to wait for the priest to give the penance, to make the act of contrition slowly. The brief act of contrition is suitable for very young children, but those over the age of ten should be taught the longer act, which they will use during life.

2. The confessor will choose one particular sin confessed, such as disobedience, lying, or stealing, and concentrate the child's particular purpose of amendment on that one, pointing out the special sinfulness of the sin, explaining the reasons why God forbids it, and the need for special care to avoid it. The highest motives may be suggested to children even of tender years, for the gift of faith and divine grace make them susceptible to the highest ideals, but the motives should be proposed in clear and simple language.

3. Children should be particularly exhorted to tell every

sin they remember, not to conceal any sin at all, even if a venial sin, for the habit of concealing sins may grow on them, and some children suffer mental anguish of a real sort intermittently for years owing to an imagined sacrilegious confession. The prudent confessor will, therefore, urge them to leave nothing out, and should usually ask them if there is anything else to confess. At the same time, children should not be allowed by teachers to have an erroneous conscience, and to think, as they often do, that deliberate concealment of even a venial sin is a mortal sin.

4. The confessor should not trouble about a child's motive or malice in sinning, for their sins are due mostly to thoughtlessness. An erroneous conscience must be corrected, especially in matters of stealing, lying and want of modesty. A most practical way of doing so will be for the confessor to say that venial sin in these matters may gradually lead to mortal sins, and that serious sorrow and firm purpose of amendment should be expressed in cases of even venial sins. The less a confessor says about sins against modesty the better, except in the rare cases of precocious vice or of habits already contracted. Brothers and sisters, and of course more distant relatives of different sex, should sleep in different rooms, if possible. If that is not possible, they should certainly sleep in different beds. The very poor should, and they can with a little good will, make provision for this most important safeguard to modesty. Parents are usually blind to the moral dangers of their children to an astonishing degree.

5. Children are bound to confess when they have come to the age of reason. This may be even before their seventh year. The custom, if it still obtains, of not admitting children to confession when they have reached the use of reason, or of not absolving such, is rightly termed a detestable abuse.

After confession, a child should be told to say the penance slowly in the church and to thank Christ our Lord for His merciful forgiveness. Children often say their penance hastily. They should be kept in the church for some five to ten minutes at the least.

SECTION 5. Dull Penitents

1. Penitents of dull perception should always be treated with singular patience, for they take offence easily and as easily misunderstand others. The confessor will be as brief, simple and clear as possible with them. Lengthy exhortations are not understood by them. The dull penitent can hardly express himself. Therefore the confessor will help him by going through a brief but very concrete examination of conscience on the Commandments of God, of the Church, and on the duties of his state of life, concentrating chiefly on sins of dishonesty, intemperance, unchastity, on the precepts of hearing Mass and abstinence.

2. After the sins have been confessed, the penitent must be told to make the act of contrition aloud, or preferably, the confessor will make it for him, bidding him repeat it phrase by phrase after him. The penitent will be told to wait until absolution is given, and will then be dismissed with a word or two on the importance of saying the penance imposed, always in such cases a few vocal prayers, and an exhortation to spend a brief time reading, if he can, the prayers after confession. If reading is not possible, the penitent should pay first a short visit to the Blessed Sacrament, just kneeling in a recollected mood, and then a visit to the Lady Altar, reciting there some 'Hail Marys.'

It will be very profitable for such penitents to confess to the same confessor, that their ways and character may become known. But their confessor will need patience and must exercise special charity towards them. It is a highly apostolic and meritorious work to be willing to receive the confessions of dull penitents, leaving to other confessors those penitents who are educated and cultured.

SECTION 6. Blind Penitents

1. Blind penitents, unless habituated to the confessional, experience difficulty in finding their way to the kneeler. The confessor will begin to say the preparatory prayer as soon as the door is opened and the blind penitent enters,

for the sound of a voice will both direct and encourage the penitent. As a rule, blind penitents have quick perceptions, and they are, therefore, intelligent and make their confessions well and clearly. Naturally they feel their helplessness, and are liable to fits of depression and anger. The confessor will never make any reference to their affliction, for they either do not understand him or would resent his pity ; he should rather say some encouraging words, as to anyone else, and treat the blind as though they were in every respect normal. The blind have a great devotion to the Rosary, and usually a decade of the Rosary will be a suitable penance, unless it is judged to be too much.

2. Blind children may usefully be exhorted to be very obedient and to take correction with a gentle grace, being told that other children are corrected oftener than they are and for less serious offences. A further exhortation, on occasion, to cheerfulness and kindness to their playmates in their games will be helpful to these children, since a sad and moping disposition will grow into a sour one to the great trial of themselves and others. But the blind have many great compensations in religious feeling as in all other things. A confessor who makes himself acquainted with the characters of the blind will be able to lighten the darkness of their lives to an extraordinary extent.

SECTION 7. Mentally defective Penitents

These penitents, if confined within a Catholic institution, are well trained to confess their sins in a manner adapted to their mental capacity. They cannot, of course, be treated as ordinary penitents are treated. The confessor will be satisfied with a very summary confession from them ; he may add a brief word of exhortation and should impose a very short penance, to be recited generally in the confessional. He will urge these penitents to be obedient and cheerful, to say their prayers with as much care as they can and to be quiet during Mass. The number of sins will, perhaps, not be mentioned and only the very obvious species will be expressed. But those who are in charge of Catholic

defectives understand them well, so that the confessor may leave to them the spiritual training of the defective. He may and should add a word on the avoidance of grave sins, when these are confessed, for the defective, if not a low-grade defective, knows quite well when he or she is doing a grievous wrong. But the defective expects to be treated in a normal way and is quick to see any sign of commiseration or patronizing, for he is apt to be suspicious and to take up an attitude of self-defence. If the defective penitent is so defective as to be considered hardly capable of rational conduct, he may be given the benefit of the doubt and may be absolved conditionally, certainly when in danger of death, and whenever he confesses what would normally be a grievous sin, or what for him, may be a formal mortal sin.

SECTION 8. Deaf and Dumb Penitents

These may make their confession by signs, or a generic confession by striking the breast, or they may, if they prefer, write out their confession for the confessor to read. The confessor will write the penance imposed—always a short one lest the seal should be violated—and return the paper, signifying by a note that the paper is to be burned or torn up. If the penitent can see, the confessor may tear up the paper into small fragments and restore them to the penitent. There is no obligation whatever to put questions on the paper for the penitent to answer, nor is a penitent obliged to give a written reply. When the confession is made by signs, the penance will be given by signs, by holding up three fingers, i.e., if the penitent can see. It should always be arranged that the veil over the grating, where a veil is enjoined, may be raised for the sake of these penitents. The number three, indicated by three fingers, will be interpreted by the penitent in his own way, and he need not be corrected.

SECTION 9. Grievously tempted Penitents

1. Such penitents are, in general, to be warned against depression of mind ; they should foster thoughts of God's power and goodness, the devil's impotence, and man's

strength with grace to help him. They should realize that practically all men are tempted, and some probably more than they are, and yet victory is gained. Temptation is necessary in order that, by overcoming it, a man may deserve the reward promised and may evince his love of God. Furthermore, temptation is allowed by God for wise purposes. It helps us to know ourselves, our frailty, the need we have of divine grace, the wiles of the devil. It teaches us the need of perpetual watchfulness and the duty of repressing our inordinate tendencies ; it makes us more fervent in God's service, arouses us from sloth, moves us to desire the repose and peace of heaven, unites us to God by filial dependence, strengthens our virtue and good habits, enables us to offer satisfaction for sin, and enriches us, if the temptations are overcome, with increased merit and future glory.

2. Temptations, however vehement, are not sinful. Penitents may be taught that in every temptation there are always two stages preliminary to sin. These are the suggestion of what is evil, often under the guise of the good, the pleasurable or the profitable ; secondly, indeliberate pleasure arising from the suggestion, a feeling or emotion of pleasure either in the sensitive appetite or the will, and not adverted to as sinful. If the suggestion appeals to our sensitive appetite, there is usually some sensitive movement in the bodily organism. When the pleasure, sensitive or volitional, is adverted to, is known to be evil and is accepted by the will, at that moment sin is present. Sin does not, therefore, consist in either suggestion or pleasure, but in consent to or complacency in the pleasure, whatever its nature may be. The three stages are very obvious in matters of vindictiveness, neglect of duties, theft, injustice of all sorts, sexual sins. The stages are not so very obvious and easily merge into one another in cases of swift passion or vehement temptation.

3. Penitents who avoid grievous sins should be reassured that they do not commit mortal sins unless they are quite certain of their consent, and they cannot be quite certain of their consent unless they fully realize that they are giving

consent. Penitents of dull perception confuse material sin with formal sin, and accuse themselves of sin when they have given no consent to temptation. As in a state of drowsiness or half-sleep the will is not fully alert and cannot commit grievous sin, so in a state of mental perturbation under temptation, the will is not fully free. This is the case also with those persons who suffer from hallucinations, delusions, hysteria and all mental disturbances ; their will-power is lessened for days at a time, sometimes for weeks together, until their organism has re-established its balance. This state fully explains the abnormal behaviour of even good people, who in such periods of stress may be guilty of the greatest excesses.

4. It is worthy of note that the devil has the apparent power of inducing a simulated consent and producing a certain complacency of the sensitive appetite, so that the tempted appear to have given full consent to the most blasphemous thoughts and obscene imaginations. But on recovering their normal condition, these people abhor such things and are distressed to think that they could have consented to them. The confessor must judge of these persons by their average dispositions. Although the devil has, as it seems, some power of evoking phantasms and producing a simulated consent, a great deal of mental disturbance is pathological, and we cannot expect God to work miracles in the body, else in these days the number of miracles would be infinite.

The penitents who complain of positive physical assault by the demon must be treated with the greatest prudence. If they are evidently highly emotional and hysterical, and not conspicuously holy, they may be dismissed somewhat curtly, as persons who are the victims of imagination or of a desire to appear particularly favoured. If, on the contrary, they appear sane and humble and obedient to the spiritual director, they will just endure such visitations until God sees fit to deliver them. If the visitations are not imaginary, God allows them to happen for a wise purpose, chiefly perhaps for personal humiliation and the devil's discomfiture and the instruction of others. If a confessor does

not feel capable of dealing with actual cases of this sort, or with souls highly favoured by God in other respects, such as the saintly recipients of extraordinary visions, the ecstasies and stigmatics, he will advise such penitents to choose, if possible, a confessor noted for prudence and holiness.

5. When temptation has run its course and has disappeared, the afflicted penitent should not examine his conscience. At those times he is in no fit state to take a dispassionate view of what happened. But if the temptation was clearly overcome, he should humbly thank God ; if he appears to have been vanquished, he must not give way to depression but should make acts of confidence in God and leave the matter till his next confession, when he will simply state what appears to have happened and be guided by his confessor, whether he thinks the confessor understands his case or not.

6. Remedies against temptations include the following, and these should be suggested, in part at least, by the confessor : Humility and diffidence in one's own strength, watchfulness, guard over the senses, interior and exterior acts of self-denial that pleasure may not get the mastery over one, for if it do so in small degrees it will infallibly do so in degrees that are intense, immediate recourse to God in prayer, great confidence in His grace and a magnanimous will in attacking temptation, obedience to one's spiritual director, perseverance in good works and resolutions, and in cases of particular vices or evil habits the application of particular remedies, such as those already enumerated.¹

SECTION 10. Scrupulous Penitents

In the course of the chapter on Conscience, scruples and the scrupulous conscience have been explained.² It is necessary here only to add a pastoral note on the treatment of scrupulous penitents.

The confessor will first of all satisfy himself that he is dealing with a scrupulous penitent, not with one who has a tender conscience, nor with one who has very good reasons indeed for going back on the past and on past confessions.

¹ *Supra*, vol. I, p. 236 sqq.

² *Supra*, vol. I, p. 73 sqq.

Given, therefore, that the confessor is sure that the penitent is scrupulous, he will decline to undertake the guidance of the penitent without a determined promise of exact obedience and of avoidance of all arguments and repetitions. If the penitent persists in questioning the confessor's advice or repeating what he has been told not to repeat, the only effectual method of procedure is to refuse at once to hear anything more and to send the penitent away. If, however, the penitent is willing to be guided, the confessor will find out the exact subject in which the penitent is scrupulous, in which, if any, the penitent is normal, and in which he is careless. When the confessor has discovered these, he will tell the penitent so, and will insist on the penitent admitting the imputation, for an obstinate scrupulous penitent is incurable.

The confessor will then discover the precise cause of the scruples, which would most probably be found in one of the following, viz., melancholy, dejection, moroseness, physical or mental weakness due to intemperate ways of acting, ill-health, disordered bodily functions, malnutrition, emotionalism, disease such as heart disease, weakness of concentration and attention, ill-balanced judgment, over-subtlety of mind, desire to have the certainty of salvation, inconstancy, fickleness, pride in maintaining personal opinion, pusillanimity, the reading of rigorist books, dissecting of motives, converse with the scrupulous, prying into catalogues of sins in prayer-books or penitentials. The confessor will urge and insist upon the removal of the cause, and if there are several causes, of one cause after another ; he will win the confidence of the penitent by showing that he is well aware of such scrupulous states and has had occasion to study them professionally ; he will treat the penitent kindly but firmly ; he will be even moderately severe if the penitent fails in obedience. He will point out the dangers of scruples, not the least being the loss of spiritual peace, and will be decided in expressing his opinions, for hesitation means failure. He will give the penitent a very few rules of conduct and inquire later how they have been observed. His advice must be perfectly clear, simple and brief, never

varying, but the same time after time, without giving any reasons. He will not take scruples seriously, will forbid the penitent to confess frequently, i.e., more than once each week, will absolutely forbid the consulting of books or the writing out of sins or explanations of them. Very sound and wise advice is given by divines to the effect that the confessor may sometimes slightly ridicule scruples, and bid the penitent to do what he would advise another to do in like circumstances. Lastly, it is well sometimes not to allow a penitent to mention a certain class of sins at all, except in general, nor indeed to mention more than two or three sins specifically, accusing himself of all the others in general.

SECTION 11. Pious Penitents

1. A confessor who hears the confessions of very devout people has a duty of directing them to Christian perfection. He will, therefore, himself study the lives of the Saints who have been so directed, as S. Teresa, and the advice given by such saintly confessors as S. Francis of Sales.

The essential truth to instil into the minds of these penitents is that sanctity consists in the love of God. Union with God is sanctity, and therefore a life lived in accordance with God's Will, a pure intention in one's actions, realization of the presence of God, readiness to do all for God's sake, are the ways of the Saints, rather than long prayers and sensible consolation, though these have their use.

2. Some penitents will be able to aim at higher degrees of sanctity than others, for much depends, normally speaking, on their condition of life and their natural character, or the actual gifts of grace which they have. In general, these penitents should be exhorted to avoid all deliberate venial sin, to do their ordinary actions with a pure intention, and their usual devotions with exactitude and fervour, without, however, appearing eccentric, for this would easily lead to pride. They should be led along the path that is broad before introduction to the path that is narrow and full of stones, brambles and thorns, and therefore they should begin their progress to perfection by humility, patience, mortification of vanity, curiosity and self-ease.

3. A general means of aiming at perfection is pious meditation or mental prayer, which should be performed every day. The confessor will instruct them how to make meditation, or will commend to them some book dealing with the manner of meditation. Briefly, he may suggest the following method of exercising acts of mind and will:

An act of the Presence of God.

Prayer for help.

Mental picture of some episode in the life of our Lord.

Prayer for grace to know our Lord better and to imitate Him better.

Consideration of the persons, words and actions in the episode, with affections of the will that are suggested at any point.

Determination of the concrete, particular fruit of the meditation.

Resolution to imitate our Lord in this special way and prayer for grace to that end.

Thanksgiving.

4. A second general means of aiming at perfection is the practice of realizing the Divine Presence everywhere and at all times, for this enables one to utter ejaculatory prayers, to avoid sin and to progress in union with God. Therefore, a crucifix, a sacred picture, or a statue in one's room, or a cross, scapular, or relic carried on the person, help to elevate the mind to God. When the mind is thus continually elevated to God, the soul cannot but express itself in terms of gratitude, love, resignation, sorrow for sins, petitions; and all worldly things fade into insignificance in comparison with the Divine Perfections. "Thy dwelling should be in heaven, all things of the earth are to be looked upon as in passing . . . If thou knowest not how to meditate on high and heavenly things, rest in the passion of Christ and willingly dwell in His Sacred wounds."¹

5. A third general means of aiming at perfection is the practice of penance, interiorly and exteriorly. Penance and bodily sufferings, willingly endured, repress natural tendencies to self-indulgence, but they are a help not an end,

¹ Imitation of Christ, bk. II, c. 1.

for perfection does not consist in penances nor in lengthy prayers, but in what these lead to, namely, the love of God. Though interior penance, as the refraining from lawful curiosity, silence under reproaches, humble though not obsequious subjection to others, are better than exterior penances, the latter help us to gain the mastery over interior passion, they are necessary for restraint of the senses, and they were practised by all the Saints. Nevertheless, the confessor will not readily permit bodily penances to be undertaken ; if he judges it to be good to do so, as he may, penances must be accommodated to the strength, disposition and duties of the penitent. Severe corporal penance, fasting, and shortening of sleep are not usually to be allowed ; some daily denial at meals, disregard of bodily comfort, and slight bodily suffering may be undertaken at the beginning. There are innumerable ways of denying oneself which do no bodily or mental harm and yet are most effectual, such as refraining from luxuries, custody of the eyes and the tongue, visiting the sick and the poor, especially those who are naturally repellent, repression of particular and sentimental affection, prompt rising from bed, glad acceptance of inevitable bodily discomfort, desire to be thought very ordinary, and all ways of showing kindness and sympathy to others. Frequentation of the Sacraments devoutly received are the greatest help to perfection. Weekly confession and daily Communion should be adopted, with a devout preparation for and thanksgiving after them in accordance with the duties of the state of life.

6. The confessor is warned by S. Alphonsus, himself an experienced and wise confessor, to leave his penitents the fullest liberty of consulting other confessors if they wish, not to be over-anxious to undertake spiritual direction, never to condemn the advice given by other confessors, though it sometimes has to be prudently modified, to be slow to allow a penitent to forsake a former director, to treat all penitents impartially, not to express surprise or pain if a pious penitent has fallen into mortal sin, to be brief and precise in dealing with devout women, who, if they take this treatment humbly, prove themselves to be persons of

no mean virtue. He will teach these penitents that spiritual consolations are indeed a gift of God, which will, however, not last for ever ; that they will be tested, perhaps severely, by depression, so that all delight in serving God may disappear. The confessor will urge them to make no change in times of desolation, except in respect of increasing prayer and penance, with prudence and under direction, and in times of spiritual joy to prepare themselves for spiritual loneliness. Since the devil transforms himself into the appearance of an Angel of Light, these penitents will examine the inception, progress and result of inspirations, and thus discover their origin, but they will need the help of an experienced confessor.

7. In regard to a choice of a state of life, a penitent must be guided with extreme prudence. As a rule, the suggestion of a life in religion, or of the priesthood, or of vows to be taken, should come in the first instance from the penitent, though it is commendable and wise for a confessor to suggest to a good penitent a more perfect state of life, but without much insistence. Boys who are known to the confessor to be endowed with generous and open characters and who refrain from grave sin, who appear to be unattracted by the pleasures and ambitions of the world, who are natural and not sentimental with persons of the other sex, who are obedient to their parents and love them, these boys may be urged to think of the priesthood or of life in a Religious Institute. If the desire for such states of life has been felt, it should be encouraged but not over-much trusted, until it has proved itself to be a constant unwavering desire. If such desire is experienced at the age of sixteen years it is more likely to be a true vocation, for children of twelve or so are hardly to be believed, as they are full of whims. The boy who appears to have a vocation to religious life should have the means of making the choice for himself ; the confessor should, therefore, give him some account of the various Orders, or give him a book containing such account. It is likely that a boy who has a general vocation to the religious life would do as well in one Religious Order as in another, provided he has the requisite qualities. Consequently, a

religious vocation is certainly to be sedulously fostered by the confessor, without any sign or intention of recommending one particular Order, unless the penitent appears clearly more fitted for it.

8. The question of a girl's vocation is a more difficult one, because the devout girl on the threshold of womanhood is more apt to be led by sentiment and is certainly more changeable. Girls, therefore, must be subjected to rather severe tests. A hastily formed desire for religious life is not to be trusted. If the desire persists for a year or so it may be taken seriously. But the difficulties of life in Religion for a girl are considerable. She sacrifices her desire for motherhood, is likely to lead a life of relative seclusion, and will be ruled by members of her own sex. The confessor will prepare her for the trials as well as the consolations of religious life. A choice will have to be made between the contemplative, the wholly active, and the mixed life. For a wise choice the girl should know something of these different Congregations and not trust to chance. If possible, she should spend a few days of recollection in company with the Sisters to whose life she is attracted, and be constant in prayer that she may be guided aright. Authors write in mournful phrases in regard to unhappy vocations, as they are called, and of spoilt vocations. There is danger of exaggeration, for firstly, even S. Thomas admits that a vocation may be given to spend only a short period in religious life, and secondly, the life has trials, like every state of life, and every state demands sacrifice and perseverance. Persons in religion who complain that they had no vocation are, in the great majority of cases, entirely mistaken. If they had the desire, if they were accepted as fit subjects, God gave them a vocation. There are states of life in the world, which approximate to a life in religion. A girl may be urged to think of such a state, if she has the means of maintaining herself and if she is attracted to work amongst the poor, in hospitals and in prisons. Such pious associations can do work that cannot be done by Congregations of Religious Sisters.

9. Penitents who ask permission to take a vow of chastity

should be urged to defer the matter until they have prayed for guidance. If a girl does not appear to be called to a life of virginity she should not be allowed to take the vow of chastity. If, however, she is judged to be a fit subject for the state of virginity, she may be allowed to take a temporary vow of chastity to be renewed yearly or twice a year. One who has taken such a vow will be practically obliged to refrain from many lawful worldly amusements and will be constrained to lead a recollected and devout life. After a trial of some years with the temporary vow, the subject may be allowed to take the perpetual vow.

SECTION 12. Nuns

The qualities which, above all, the confessor of nuns should have are experience in the spiritual life, learning, prudence, patience and charity. He will, therefore, endeavour to understand the spirit of the Congregation which it is his duty to direct, the life of the Foundress, the rules, customs and style of work. In every community, small as well as great, of religious women, the confessor will meet with some highly gifted souls whom he must direct in the higher paths of perfection, but he will be careful to guide these persons along the way that is compatible with their rules. He will exercise great charity and zeal in directing the others who are leading an ordinarily good religious life, suggesting means to be taken against falling into the ordinary venial sins which hinder progress. With the depressed and afflicted he will be patient, suggesting motives of joy and confidence. With the sick he will be cheerful and gentle, giving a reasonable share of his time to them, since his visits are a source of consolation.

In the concrete and in actually dealing with Sisters in religion, the confessor will urge the fullest observance of vows and rules, insist that the exact time should be given to spiritual duties, exhort to purity of intention, avoidance of particular friendships and enmities, abhorrence of divisions in the community, tale-bearing to the Superior, criticism of rules or customs, care of all matters confided to individuals,

contentment in religious vocation, religious silence and complete detachment from the world and worldly conversations.

In hearing confessions, the confessor will himself be brief in his remarks, will speak of the Saints who are cherished by the Congregation, will be equally attentive to all, will avoid the smallest sign of preference, familiarity, or inordinate attachment, will be careful not to violate secrecy even in the most indirect manner.

SECTION 13. Seminarists

1. Those who intend to receive Sacred Orders are especially obliged to lead a spiritual life, to devote the allotted time to meditation and vocal prayer, to endeavour to put on the garb of Christ our Lord for the public ministry, and to avoid the unworthy imputation of trying to be both priests and men of the world. Seminarists are a chosen people, segregated from the world, rightly expected not to share in the common amusements of the world except such as are permitted by ecclesiastical authority, and then in a strictly moderate way. The confessor who hears the confessions of a Seminarist during times of vacation will urge him to retain the spirit of his clerical calling even in his recreations ; should he be poured out, as it were, on the pleasures of the world, or addicted to female society, he should be told that God and the world cannot both be served and that he must make his choice at once, else he is guilty of rapine in the holocaust.

2. During life at the seminary, the Seminarist must lay the foundations of obedience and chastity. Obedience to the seminary rules should be based on the appreciation and love of wise restrictions on youthful excitability, fickleness and carelessness. The importance of continency and chastity is so obvious that it needs no urging. The matter is treated under the heading of the clerical state. The ordinary confessor of Seminarists should never affect to disregard lapses from chastity, if any should occur, but should give a timely warning that no vocation to the priesthood exists in one who relapses frequently into such sins. A probation of

some months without serious sin is practically necessary, though, of course, no general rule can be applied to all cases. If the confessor is reasonably severe in this matter, the number of priests may be slightly reduced but the quality will be enhanced. Other sins, of course, spoil a vocation, if one existed, such as the sins of intemperance, pride and sloth. Scavini well sums up the matter for the guidance of confessors. Directors and confessors of seminaries, he says, should earnestly pray for a right judgment in matters of such great moment, and for courage to reject the unworthy by telling them to withdraw from the clerical life while it is still possible to do so without scandal and defamation of character. The confessor should not easily trust words and mere resolutions; he should inquire into deeds. Young Seminarists who are intemperate, haughty, passionate, tale-bearers, fomenters of divisions, who dislike discipline, who are flighty, given up to external things, rarely recollected, indifferent to practices of devotion, who are negligent in study, find ecclesiastical sciences distasteful, and are addicted to reading light literature, never reform though frequently admonished. Such men will never be holy priests, and they should give up the clerical state.

3. It will be incumbent on the confessor to urge the Seminarist to aim at positive sanctity, not to be satisfied with merely avoiding sin. He will urge his penitent to acquire humility, piety, obedience, mortification of the senses, love of the spiritual life, hatred of the maxims of the world, by positive acts. A daily examination of conscience in these virtues will be a great help. Since some priests—happily very few indeed—fall away from their high ideals and give scandal immediately after ordination, confessors will realize that theirs is a grave responsibility, for they, as well as Superiors, have the guidance of the cleric entrusted to them.

SECTION 14. Priests

1. The confessor of priests will soon realize, what indeed general observation bears out, that there are in the main two classes of priests, the one consisting of those who lead

a highly spiritual life and who are completely devoted to their flock, the other consisting of those who have never quite accepted the obligations of the clerical state, and who give most of their heart to the world and its pleasures, innocent, of course, but engrossing.

Every priest needs a director. The confessor must aim at being the wise director of his priest penitents. He should, therefore, most carefully listen to the confession of a priest, impose obligations that ought to be imposed in the matter of occasions of sin, and add words of encouragement and exhortation on suitable occasions.

2. Every confessor who lives in a city knows the pitfalls that await most priests from the earliest inception of parish work. He knows the dangers of excessive recreation, play-going, novel-reading, abandonment of study and serious reading, addiction to society, all of which lead inevitably to loss of fervour, dereliction of parochial duties, dislike of the poor and the ignorant, and pave the way for the fall from the high ideals of the once fervent cleric into a slough of indifference and despondency. The confessor must check the beginnings of these tendencies if observed in his penitent. Other sins, of which every priest is aware, need not be enlarged upon here ; it suffices to say that a confessor will treat these lapses severely and remind the priests of the saying of our Lord : " Ye are the salt of the earth. If the salt lose its savour, wherewith shall it be salted ? It is good for nothing any more but to be cast out and to be trodden on by men " ; " You are the light of the world. So let your light shine before men that they may see your good works and glorify your Father Who is in heaven."

3. For priest penitents the penance enjoined would, in many cases, best be a visit to the Blessed Sacrament, a morning meditation, an extra quarter of an hour in thanksgiving after Mass or in preparation for Mass, recital of one of the Little Hours of the Office before the Blessed Sacrament, some spiritual reading for a few days such as a chapter of the fourth book of the Imitation of Christ. The wise confessor will not assume that priests never commit grievous sins of neglect, anger, uncharity, evil desire, or unchastity,

for he knows from his own experience that priests are liable to human infirmities and passion. He will not allow human respect to prevent him from even refusing absolution if need be, insisting on a definite resolution to avoid obvious occasions of grievous sin, and plainly telling his penitent that certain associations, affections, familiarities must be cut out of his life at once and definitely under grave obligation. It has been well said¹ that whatever the age, merit, or dignity of the priest who kneels at the feet of a confessor, he calls him Father, and gives him the right to warn, question and reprove him. To think that he expects courtesies and compliments would be to offend him. The confessor is always a confessor, even when he hears a priest; and a priest, when confessing, is always a penitent.

SECTION 15. Young Persons

1. By young persons are here meant those who are just beginning to live a life of their own, experiencing the attractions of life in the world, gradually emancipating themselves from the control of their parents, forming their own views on moral behaviour, perhaps preparing to face life with a chosen partner in marriage. In the present state of society, the dangers to the morals of such people have become intensified far beyond what could have been anticipated some twenty years ago. The emancipation of young women from all control, their independence, the open and usually healthy relations between the two sexes, have undoubtedly added to the strength of woman's character, but have also made it quite necessary for young women to be morally strong in the circumstances of their daily lives, where, owing to the occupations now open to them, they have to meet, consort with, and be secluded in offices and factories with men whose moral outlook leaves much to be desired.

The confessor of these people has to beware of the two extremes, the one, that of wrongly insisting on young people giving up occupations that are beset with dangers of grave sin, where these occupations are practically necessary, since

¹ Guerra, *The Confessor after the Heart of Jesus*, quoted by Schulze, *Manual of Pastoral Theology*, p. 205.

better cannot be had, where sin as a fact can be and on the whole is avoided ; the other extreme, that of permitting unnecessary and dangerous relations between the two sexes, where there is no intention of marriage. The result of excessive freedom has been, in some countries, the companionate marriage, as it is called, a sort of experiment in married life, to be set aside if unsuccessful. No Catholic could countenance such immorality, but lax Catholics favour companionate betrothal, as it were, a sort of intermittent company keeping without a serious intention of marriage. Mixed week-end camping in huts moved the authorities of the Province of Bohemia in May, 1931, to prohibit these ' hikers ' from occupying the huts unless they could show a marriage certificate.

2. The confessor of these young people here considered will first of all induce them to frequent the Sacraments, the only practical safeguard against sin. He will be gentle with their frailty and inexperience, and try to lead them through love of Christ our Lord to have an abhorrence of sin and to restrain their natural concupiscences. He will encourage them to strengthen the good points in their character and conquer those that are bad. An examination of conscience will be necessary for this, and therefore they should be exhorted to make this a part of their night prayers. If these people frequently fall into grave sin in certain company, if the occasion of sin is not necessary or cannot be made remote, they should be obliged under grave sin to abandon that company ; if the occasions are practically unavoidable, they must make the danger of sin remote by prayer and frequentation of the Sacraments. A most serious danger of sin is present when the indifferent Catholic young man is keeping company with a non-Catholic girl. The latter, usually not impressed, as Catholic girls are, with the necessity of self-restraint, will easily lead the young man into sin. Very much greater is the danger of sin in the case of a Catholic girl keeping company with a non-Catholic young man. The latter has usually had little training in self-restraint from boyhood. His moral standards are not the standards of Catholics, and his sophistical arguments joined

with passion will too often break down the natural and virtuous reserve of the girl. The confessor will always dissuade young people from taking the first steps of falling in love with non-Catholics, since where love exists, arguments are of no avail. To preclude the possibility of a mixed marriage, these people will be urged to join Catholic sodalities so as to meet Catholics.

Since the positive antidotes to sin are better than warnings, the confessor will suggest visits to the Blessed Sacrament, special prayers morning and night, prayers to our Lady Immaculate, devotion to the Sacred Heart, choice of a patron Saint, a retreat, if possible, for a day or several days, social work for the poor or the sick, attendance at sermons and instructions and other practices of religion which appear to suit the temperament of the penitent.

SECTION 16. Married Persons

The temptations to which married people are mainly exposed are selfishness at home, quarrelling and bickering, neglect of and harshness to children, bad example, want of supervision over the companions and recreations of their children—a very fertile source of sin and leakage from the Church—and in some cases, disregard of the chaste use of marriage.

In regard to this class of people and to the growing tendency, it must be sadly admitted, amongst some Catholics, of questioning the right of confessors to lay down rules for married people and, as it is said, to come between man and wife and criticize what they claim to be their personal affairs, it will be sufficient to quote a few lines from the Encyclical letter of Pope Pius XI, *Casti Connubii*, on the duty of confessors. His Holiness wrote: "We admonish, therefore, priests who hear confessions and others who have the care of souls, in virtue of Our supreme authority and in Our solicitude for the salvation of souls, not to allow the faithful entrusted to them to err regarding this most grave law of God [i.e., concerning the right use of marriage]; much more, that they keep themselves immune from such false opinions, in no way conniving in them. If any confessor

or pastor of souls, which may God forbid, lead the faithful entrusted to him into these errors or should at least confirm them by approval or by guilty silence, let him be mindful of the fact that he must render a strict account to God, the Supreme Judge, for the betrayal of his sacred trust, and let him take to himself the words of Christ : They are blind and leaders of the blind : and if the blind lead the blind, both fall into the pit."

SECTION 17. The Dying

If a person is in imminent danger of death and there is no time for a confession, even the most summary, the priest will whisper into his ear the words : " You are sorry for all your sins. Say the Holy Name, Jesus, and I will absolve you. Then I will anoint you on the forehead and give you a plenary indulgence."

If the dying person is able to make a short confession, the priest will allow him to make it in his own way. If, however, he wishes the confessor to help him, the latter will suggest the most obvious matter, relatively to the condition of life of the penitent, and in very general terms. Generally speaking, for all people in such circumstances, it would be right to suggest neglect of prayers, want of charity to others, failing in the duties of one's state of life, and that would be sufficient if further suggestions are inadvisable.

If the sickness is lingering and the person has time to prepare for confession, either a general one or not, as the confessor will judge fitting and in accordance with the desire of the penitent, then it is best to allow the penitent to confess in his own way. At the conclusion, the confessor may say : " There is nothing else on your conscience, now, I am sure ; make an act of sorrow for all the sins of your life. If you have forgotten any sin, it is forgiven in this confession." The last moments of life are not the time for harrying dying persons with a meticulous integrity of confession. It is much better to be satisfied with the little they can do, and to endeavour to unite them with God by acts of gratitude and love, which the confessor may formulate for them in simple words.

CHAPTER VII

THE SEAL OF CONFESSION (cc. 889, 890)

SECTION 1. The Nature of the Sacramental Seal

THE seal of confession or the sacramental seal in the strictest meaning of the term is the obligation both of maintaining silence concerning everything disclosed by a penitent in confession with a view to absolution, and of refraining from all extra-sacramental use of such matter without the permission of the penitent, when the said disclosure or use would betray the penitent, or at least arouse suspicion in others in respect of the confessional matter of the said penitent. The seal, therefore, binds the confessor in two ways, namely, in regard both to actual disclosure and to extra-sacramental use of matter confessed. He is obliged to assume for certain the penitent's unwillingness that confessional matter should be revealed, either directly or indirectly, without express permission. Consequently, all direct or indirect violation of sacramental secrecy is contrary to the obligation of the seal, even apart from positive prohibition.

The seal may and should also be understood in a wider sense, namely, inasmuch as it is forbidden in the canons for a confessor not only to reveal confessional matter but to use his knowledge of it outside the Sacrament, against the will of the penitent, so as to render the Sacrament of confession in any way burdensome or odious. Consequently, every use of confessional knowledge that is irksome to a penitent, even if there is no danger of revealing anything, is contrary to the obligation of the seal in the wider sense of the term.

2. The obligation of the seal is of the gravest, on the grounds both of justice and of religion. The obligation of justice is obvious, for violation of the seal is violation of an entrusted secret as also of a natural secret, if, as usually happens, the sin confessed was occult. The obligation of religion arises from the fact that the Sacrament is to be

treated with reverence, as an institution of Christ our Lord, and as a means of entering into relations with God. The obligation of the seal arises certainly from divine law, and most probably from divine Natural law, on the presupposition that the Sacrament of Penance was instituted by Christ, and that the secret confession of sins was enjoined by Him. In other words, since Christ instituted the Sacrament and imposed on all the baptized the obligation of secret confession, He thereby instituted a secure means of seeking forgiveness of sin, safeguarded, that is, in the highest degree from every circumstance extrinsic to the tribunal that could possibly redound to the shame, inconvenience, or annoyance of a penitent. It is obvious, therefore, that the secret of the confessional differs in kind from every other secret, in that it may never be disclosed, not even to the penitent outside confession, and that it extends even to the smallest detail. There is no slight direct violation of sacramental secrecy.

3. Direct violation of the seal, that is, the revelation of particular matter confessed by a particular penitent, is always a grave sin. The violation of justice in revealing an entrusted secret is also sinful. The revelation of the natural secret may be grave or light in accordance with the penitent's consequent defamation.

Where there is no matter for confession and absolution, there still remains the obligation of sacramental secrecy, if a penitent has submitted, though mistakenly, something for absolution. The obligation of the seal is so great that nothing can ever excuse the use of sacramental knowledge where there is any danger of revelation or any gravamen likely to arise in a penitent's mind or in the minds of others, in consequence of the use of this knowledge. The obligation is not extinguished on the death of a penitent.

4. The seal is sacramental, and therefore applies only to what is disclosed in sacramental confession; but sacramental confession is defined as a true and sincere confession made for the purpose of obtaining sacramental absolution. Consequently, a confession is a true one, though it proved to be inculpably invalid or sacrilegious, or though it was

interrupted, or though absolution was refused or deferred, or even if the confessor had no intention of giving absolution. To bind a priest under the seal of confession and without actual confession and with no intention of asking for absolution is a mode of speech only, for confessional secrecy does not then arise. But, on the other hand, a confessor cannot repudiate the obligation of the seal by stating that he is unwilling to act sacramentally, provided a penitent actually confesses with a view to obtaining absolution.

5. The penitent himself is protected against his confessor, for the latter may not speak to a penitent outside confession concerning the penitent's confessional matter, except with his express permission, nor may he act in such a way as to show that he is acting in virtue of what he has heard in confession. But he may speak about such matter to the penitent in a subsequent confession, or immediately after absolution has been given, or on the immediate return of the penitent, provided he do so acting as confessor in the confessional or the place chosen for such. A penitent may give virtual permission to his confessor to speak outside confession on confessional matter, if he himself begin to speak about it, but such permission does not extend beyond the matter actually then mentioned. Even in cases of doubt, a confessor must maintain silence.

6. It was stated above that even the smallest detail is subject to the sacramental seal and that, therefore, there can never be the smallest direct violation of it without a grave sacrilege and a grave sin against justice. But indirect violation of secrecy does admit of degrees of sinfulness, and is not always seriously sinful. Indirect violation consists in speaking or acting in such a way that there is a danger of revealing a sin of a penitent or of rendering the Sacrament obnoxious, a danger that arises or may arise from some action or speech of a confessor. This danger may sometimes be so uncertain or slight that no grave irreverence is done to the Sacrament, or that the confessor is not guilty of serious imprudence.

But it must be carefully observed that it is never permissible to deal with the sacramental seal on probabilities that it is

not being violated. The principles of Probabilism, as a moral system of acting in positive and probable speculative doubt, cannot be invoked here, for the seal must be safeguarded and the spiritual harm of the penitent and of the faithful generally must be prevented at all costs, without giving ground for the least suspicion that confessional knowledge may be used, even in cases of doubtful violation. For who would confess sins if confessors could lawfully act on probabilities? The probable opinion of a confessor, however well-founded, may in point of fact be false, and the seal may actually be violated. Consequently, a confessor may not speak or act even on probability of fact or of law, that is, in cases where he thinks probably that such or such matter was not confessed, or that such or such a case is probably not included under the law of the seal.

SECTION 2. The Subject bound by the Sacramental Seal

1. Every confessor who acts as confessor, whether or not he has faculties to absolve, even one who is excommunicated, suspended, or under interdict, or deprived of office, or degraded, is bound to inviolable secrecy. One not a priest who plays the fictitious rôle of confessor is probably not bound by the sacramental seal, but he is bound in justice to maintain silence about what he has been told by a penitent. A confessor, true or fictitious, questioned as to confessional matter, is bound to conceal his knowledge, and may do so by recourse to legitimate mental restriction. If he deny that he has any knowledge of what, in fact, he knows as confessor only, the denial is a statement of what is true, for he has not the knowledge as man. He must suffer death rather than violate the seal. In the Civil Courts nowadays no question would be asked about confessional secrets, but even if they were asked by an ignorant barrister, the confessor must deny all knowledge or decline to answer, even at the risk of imprisonment for contempt of Court. Even if, by confessing a sin of his own, a confessor is likely to violate the seal, he must conceal his sin. The law of full integral confession does not then oblige him to confess

the sin. In attending the sick in hospitals, a Chaplain, if asked whether or not the sick person is to receive Holy Communion, must refer the questioner to the patient.

2. One who acts as interpreter in confession for a penitent is also bound by the seal to the same extent as the confessor; one who acts as scribe in writing out before confession the list of sins or one sin for another is not bound by the seal, but if he acted as scribe during a confession he would be bound by the seal.

3. A Superior who is asked for faculties for absolution from a reserved case is bound by the seal, whether asked by confessor or penitent, and is likewise bound if a penitent, already absolved from a reserved case, applies to him for penance or instructions to be fulfilled.

4. One who, with express permission of the penitent, is consulted about a sin of the said penitent, is bound by the seal, unless the penitent forgoes his right to secrecy. This opinion is the safer, and is, we believe, to be acted upon. The consultation may be continued until the discussion is concluded. In matters of restitution or reconciling differences, the penitent's express and full permission should always be obtained.

One who is consulted by a penitent as to the correct way of stating a sin in confession to another, or as to the need of stating it at all, is not bound by the sacramental seal, though he is bound to keep inviolate an entrusted secret, and perhaps a natural secret, in accordance with the principles already stated in regard to secrets.¹

5. All those who, intentionally or accidentally, hear confessional matter mentioned during the confession of another are bound by the sacramental seal, and if a confession made by another is intentionally listened to the seal is violated and a grave sacrilege is committed. If, however, a penitent, in the hearing of others, confesses in a loud voice and knows that others can hear him, he has forfeited of his own will the right to sacramental secrecy, but not necessarily to all secrecy, for the natural secret may still have to be preserved.

¹ *Supra*, vol. II, p. 422 sqq.

6. All who come to the knowledge of the confessional matter of another, as, v.g., if a confessor or preacher reveal it, are bound by the seal, and may not converse even with one another about what they have heard.

7. One who reads the written confession of another during the other's confession, or if the written confession has been left in the confessional by the confessor, or has been mislaid or lost by the confessor, is bound by the seal. But if the written confession was left by the penitent in the confessional—as it might be left on the penitent's ledge—after absolution has been given, it is probably not matter of the sacramental seal, for it may be regarded as an entirely non-confessional document. If, however, it is not known who left it in the confessional, it may not be read by a third party, since there is at least a danger of violating the seal. If the written confession is found and read outside confession or the place of confession, it is not an object of the sacramental seal, though it is matter of a natural secret. If it was given to a confessor as such before confession with a view to future confession it comes within the scope of sacramental matter.

8. A penitent is not bound by the sacramental seal in respect of his own confession, but he may be bound by an obligation to keep a natural secret, if the confessor's action or advice falls into that category, and his obligation is greater than that of others. He will sin grievously if, without reason, he seriously diminish the esteem of his confessor. At the same time, every confessor will use the greatest prudence in his treatment of penitents, never saying what he would not wish to be repeated.

SECTION 3. The Object of the Sacramental Seal

1. The direct object of the seal is all that is confessed with a view to sacramental absolution. Every mortal sin confessed in detail or generically is matter of the seal. A confessor would directly violate the seal by saying that a certain penitent, by name, had confessed mortal sins. Every venial sin confessed in detail is matter of the seal, but venial sins confessed generically are not. Thus, a confessor would violate the seal by saying that a particular penitent

by name, had confessed a venial sin of anger or many or rather serious venial sins, but not if he said that the penitent had confessed his venial sins, since every penitent is guilty of venial sins. It is not direct violation of the seal for a confessor to speak of a penitent's sin known to him outside confession, though it would be very imprudent to do so.

2. The indirect object of the seal is everything said by the penitent that is intended to explain sins, whether it be useful, necessary, or unnecessary, unless the circumstances are matter of public knowledge though at the same time unknown to the confessor. Thus, the circumstances of a sin, such as occasions, motive, place, time, are objects of the seal, but publicly known circumstances, as that a penitent is married, are not *per se* objects of the seal, though they may accidentally be so.

3. The seal includes the penance imposed by the confessor unless it is a trivial penance, such as any penitent might receive. The fact of absolution refused by the confessor is certainly subject to the seal, even if the penitent be a public sinner and even if he proclaim that absolution had been refused. The fact of absolution deferred is likewise subject to the seal. It is no violation of the seal for a confessor to state that he absolved a particular penitent unless the statement imply that others were not absolved. Ordinarily it is not a violation of the seal to state that a particular penitent confessed unless under the circumstances it was surmised by others that the confession was necessary or the fact concealed. Advice asked of a confessor will be an object of the seal if the request has any bearing on sins confessed; otherwise it is not. The status of a penitent may be subject to the seal if the declaration of it was necessary to explain a sin, unless, of course, the status is matter of common knowledge. A penitent's virtues, supernatural gifts, ecstasies, visions, are matter of the seal if manifested for the better declaration of sins confessed, unless these favours are publicly known. The objects of sin, such as objects of desire or complacency, and the means employed to compass sin, as money stolen for a sinful purpose, are matter of the seal if confessed. The name and sin of an

accomplice in sin, even if confessed without necessity, are matter of the seal, but the penitent may give permission to the confessor to use the knowledge so as to correct or warn another, a permission that should rarely be asked or used.

4. The accidental object of the seal is any defect of the penitent observed during confession and sins that may be committed during confession. Such are :

(a) Hidden defects manifested in order to explain a sin, and such defects, though not so manifested, the revelation of which would offend a penitent, but not those which are publicly known such as a penitent's deafness. Scruples and imperfections confessed as sins are matter of the seal.

(b) Sins committed during confession, as impatience with and disobedience to the confessor, if accused as sins, are matter of the seal, otherwise they are not, unless their revelation might give ground to others for suspicion of a penitent's other sins.

(c) Theft committed during the course of confession and not confessed is not matter of the seal ; and if a confession clearly appeared to be only a pretext for finding an opportunity of theft from the confessor, it is not a sincere confession and would not be matter of the seal.

SECTION 4. The Violation of the Sacramental Seal

1. Sacramental secrecy in the strictest sense is violated by the direct or indirect revelation of any matter that falls within its scope in respect of a particular penitent. In a less strict sense, it is violated when a confessor uses sacramental knowledge—apart from any risk of revelation—to the offence of a particular penitent or the faithful in general.

What constitutes direct violation of the seal is easily intelligible ; there must be revelation of a particular and specific sin of a particular penitent who can be known with certainty by the hearer. A particular penitent can be known in several ways other than by naming him. He can easily be known from circumstances. It is important to observe that the hearer need not know that confessional matter is being revealed.

What constitutes indirect revelation is not so easily defined, but local Ordinaries and religious Superiors are to warn their subject confessors not to mention confessional matter under any form or pretext, not even incidentally, neither directly nor indirectly, in giving missions or the spiritual exercises, nor in sermons, nor in private conversation. In other words, the Sacred Congregation forbids all such reference on the ground of presumed danger to the seal, that is, the danger must always be presumed.¹

2. Indirect revelation takes place when it is not intended, but when the likelihood is foreseen that a third party will come to the knowledge of the sin of some penitent, or the Sacrament will be rendered difficult and odious in consequence of some remark or action of a confessor. Therefore, this indirect revelation may take place in either of two ways :

(a) Firstly, and more strictly, when a sin is revealed without clearly indicating the penitent, or a penitent is indicated without revelation of a sin, but with the risk of either indicating the person or of raising suspicion about a sin.

(b) Secondly, and less strictly, when there is no danger of revelation but sacramental knowledge is used with offence to a penitent quite apart from all suspicion of his sin, or when penitents in general would object to such use of confessional knowledge.

Consequently, even apart from all revelation or the danger of it, it is not permissible to use sacramental knowledge outside the Sacrament to the offence of a penitent or penitents in general, even though by doing so a penitent would be saved the greatest inconvenience or harm. In other words, sacramental knowledge may never be used to the offence of penitents. The confessor will, therefore, avoid speaking about confessional matter outside confession. He should avoid arousing any probable suspicions that he is either violating the seal or causing offence to penitents. He cannot, of course, be expected to prevent the tongues of the pharisee and the evil-minded from wagging. He is not obliged to cease to be a confessor because the hater of Catholic practices accuses him of necessarily using con-

¹ The Holy Office, *Instruction*, June 9, 1915.

fessional knowledge in a general way in his sermons, directions and exhortations. Such malevolent and unfounded suspicions may be disregarded.

3. The following illustrations of violations of the seal are given by divines, and may serve to emphasize the doctrine¹: A penitent was said by a confessor to have been prolix because he had many sins to tell, or to have confessed with great sorrow his many sins, or to have made a necessary general confession, or to have had to be sent away without absolution for sins. A Superior was warned by a confessor to have an eye on certain of his subjects or on a certain place. An accomplice in the sin of a previous penitent was questioned on that particular sin on that particular occasion. A confessor declines to hear a penitent, on the ground, expressed to the penitent, that he does not feel competent to advise him or her concerning such grave matters as they have confessed before. A Superior or confessor removes a penitent from a particular office in consequence of what the penitent has said under the seal in confession, or treats such penitents with marked suspicion. A confessor says to another that a certain penitent has to return to finish confession. A confessor says that he gave absolution only to one particular penitent of several. A confessor dismisses his maidservant whom he knows from confession to have been compromised by her lover, on the ground that the suspicion will fall upon himself; he may, however, rightly remind the person in confession of the obligation of leaving his service rather than cast suspicion on the confessor. If she refuse, he can do nothing in virtue of confessional knowledge. A confessor makes it known that certain specific secret grave sins are common in the small village where he resides. A confessor refuses to give Holy Communion to one—not a public sinner—whom he had refused to absolve. A confessor commended one of a few penitents because that one had only small venial sins to confess. A confessor speaks to a penitent outside the confessional of sins confessed, without permission to do so. A confessor speaks of a sin confessed by some one amongst a few penitents, or of a sin

¹ cf. Cappello, II, n. 916.

confessed by a member of a particular convent, or monastery, or Religious Institute, or of sins committed in a small village—assuming that he knows this only from confession—or, being the parish priest of a place, informs visiting missionaries of the sins that should be inveighed against, unless the sins are notorious, such as flagrant drunkenness, or unless the place is large (with a population of over three thousand).

SECTION 5. Unlawful and Lawful Use of Sacramental Knowledge

1. A confessor may never make use of sacramental knowledge (as already defined):

(a) Where there is direct or indirect revelation of confessional matter or the danger of it.

(b) Where, apart from all revelation, a penitent would be aggrieved by its use, or confession made in any way difficult, even though the penitent would suffer more harm from failure to use the knowledge. The advertence or inadvertence of the penitent to the use of sacramental knowledge has no bearing on the matter.

(c) Where, apart from all revelation, the faithful in general would be aggrieved by the use of confessional knowledge.

(d) Where, apart from all revelation and annoyance of penitents, the use of sacramental knowledge would give scandal.

2. A confessor may use sacramental knowledge if there is not revelation, nor annoyance of penitents, nor scandal. Consequently, he may use the knowledge in order to pray for a penitent, to treat a penitent more kindly, to instruct or question others, always with the limitations set out above. He may also improve his own spiritual condition or his conduct, or perform his duties more carefully, consult his books and experts, avoid dangers, warn others to avoid them, but always with the limitations above mentioned. He is not precluded from doing what he is already obliged to do with ordinary precautions and diligence, such as he should have done even if he had not heard confessions; that is, he may be reminded of his duty by confessions heard,

but he may not do what he certainly would not have done but for the fact of having heard confessions. However, in fulfilling a duty of which he is reminded by confessions heard, he should avoid all danger of indirect revelation or annoyance of a penitent, a measure very difficult to observe in practice.

3. A priest who knows from a penitent's confession that the latter is not ordained a priest though he acts as such, hears confessions, and hears the confession of the confessor himself, must continue as before confessing to one not ordained, if otherwise he should violate the seal. A priest who knows from confession that he will be attacked on his way home, or that poison has been put into the wine to be used for Mass, may never save his life at the risk of even indirectly violating the seal. A confessor whose life is threatened in the confessional unless he gives absolution (if the case could ever arise) could legitimately escape, for he violates no seal by doing so. He could not, however, say that he was threatened for having refused to give absolution, nor indeed could he escape, if by doing so he revealed the fact that he had refused absolution. But the question could arise as to the sincerity of such a penitent; much more so, if he were a lunatic. A lunatic makes no serious confession. A confessor may not refuse to assist at a marriage on the ground that he knows from confession that the marriage would be invalid.

4. A confessor may speak in the confessional, during or immediately after confession, to a penitent concerning previous confessions of the latter. The seal is not violated even if absolution has not been given. He should not, however, recall past grave sins without a good sufficient reason.

5. A confessor may speak of confessional matter with the permission of the penitent. This exception gives no scandal to the faithful for they understand it, nor is the divine precept of secrecy violated, since the precept ceases to bind if a penitent gives permission to speak. The permission of the penitent must, however, be expressly given, it may be explicitly or implicitly given; it must be entirely spontaneous, free and not revoked. The very general permission

given by a penitent of treating everything said in confession as said out of confession is equivalent to extra-sacramental communication of knowledge. This permission cannot be revoked; the confessor is no longer bound by the sacramental seal, in that respect, nor are others to whom he may speak so bound, but the obligation of the natural secret may still obtain and scandal must always be avoided.

6. A certificate in writing that a confession has been made is sometimes asked for by a penitent. The certificate may be refused if no confession has been made, or if the penitent had no intention of receiving absolution. If, however, absolution was not given to an unworthy penitent, the certificate should be given if the confession was in any way public, owing to the danger of indirect violation of the seal. The certificate must be given if the penitent, duly disposed, made a sacramental confession and was absolved, or if unabsolved owing to want of due disposition the penitent asks outside confession for the certificate, or even if he asks for it in confession and a refusal would lead to an indirect violation of the seal. The certificate should state the fact of confession not of absolution; but if printed forms are used containing a reference to absolution given, the certificate must be given without deleting any words.

7. Superiors exercising authority, and confessors who have been appointed Superiors, may not in any way use sacramental knowledge for purposes of external government (c. 890, 2). Such use would entail at least an indirect violation of the seal and annoyance of penitents if it was thought that the use were ever permitted. The use is, therefore, forbidden even if it conduced to the benefit of the penitent or the community in which he lives, or if his permission is thought to be reasonably presumed, or if the penitent did not advert to it, nor could discover the fact.

8. In order to safeguard the freedom of penitents, a Master of novices, the Socius of a Master of novices, the Superiors of seminaries or colleges (i.e., of boarders) are forbidden—but their jurisdiction is not taken away—to hear the confessions of their subjects living with them in the same house, unless the subject spontaneously ask them to do so

for a grave and urgent reason and in particular cases, that is, they may not hear such confessions habitually, though they might do so for some length of time if sufficiently grave and urgent reasons were present in each case and on each occasion. Other religious Superiors are not forbidden (c. 518, 2) to hear the confessions of their subjects who spontaneously and freely ask them to do so, but they may not hear these confessions habitually except for a grave reason. Furthermore, they are to avoid inducing any subject in any way whatever to confess to them (c. 518, 3).

9. The Sacred Penitentiary issued a warning that, in sending petitions to it in respect of occult cases of conscience, these should not be presented by open letters to be handed to agents. All letters should be sent directly to the Sacred Penitentiary, either through the ordinary post, or through an agent and in a special envelope securely sealed.¹

SECTION 6. Penalties for Violation of the Sacramental Seal

1. A confessor who presumes to violate directly the sacramental seal incurs excommunication most specially reserved to the Holy See (c. 2369, 1). Only a true confessor falls under this censure, not one who pretends to be a confessor, nor one erroneously thought to be a true confessor, nor an interpreter, nor one who overhears a confession being made.

2. A confessor who violates the seal only indirectly is liable to the imposition of penalties, such as suspension from his office of confessor, incapacity for hearing confessions at all, deprivation of benefice, dignity, active and passive voice, and, in more serious cases, of degradation from the clerical state (cc. 2368, 2369). The indirect violation of the seal here mentioned does not include that use of sacramental knowledge that is not a violation of the seal.

3. Others, not confessors, who rashly violate the sacramental seal are to be punished in accordance with the gravity of their fault by salutary penalties, even if need be by excommunication (c. 2369, 2).

¹ S. Penit., Feb. 1, 1935.

CHAPTER VIII

THE OBLIGATION OF HEARING CONFESSIONS (c. 892)

SECTION 1. The Obligation of Pastors

PARISH PRIESTS and others who have the cure of souls committed to them are under the grave obligation of justice—arising from implicit contract—of hearing the confessions, personally or by proxy, of the faithful committed to their care whenever they are reasonably asked to do so. Besides the parish priest, the following are under this obligation, viz., quasi-parish priests, parochial vicars who have full parochial power (including the vicars *æconomus*, *co-operator*, substitute), the Canon Penitentiary, the beneficed priest if specifically obliged to do so, also local Ordinaries and Superiors of exempt Religious, at least by proxy, and without prejudice to the canons and the rules of their Institute, and the nominated confessors of a community or seminary.

The obligation arises, however, only when subjects ask reasonably. A reasonable request is made in danger of death, for the fulfilling of the precept of annual confession and paschal Communion, in cases of necessity when a subject is in grave sin, for spiritual progress and comfort. But the request would be unreasonable if made at an unseasonable hour or too frequently. Consequently, pastors are bound to give an opportunity to their subjects of getting to confession easily. The pastor will, therefore, fix a definite time in the week, preferably on Saturdays, and will remain in his confessional for a definite time, in accordance with the number of his flock. He should not easily depart from this custom, for his people will confess if they know when they can be sure of his presence in the confessional; otherwise they will not. Furthermore, the people should have an opportunity of confessing each morning before Mass that they may receive Holy Communion frequently. The pastor will also assign a fixed time for the confessions of children and make it known that this time is set apart for them; for when children and adults wait together for confession,

the child is apt to grow weary and is not infrequently treated by adults in an off-hand way.

2. Though the obligation is grave, a refusal to hear a few confessions now and then, apart from the necessity of penitents and if there is no serious scandal, would not be a grave sin. But frequent ill-concealed objection to be troubled when a request for confession is reasonable, and positive disregard of the duty, drive people away from the Sacraments and are grievously sinful.

In cases of extreme or almost extreme need on the part of a subject, the pastor who has the cure of souls is seriously bound to fulfil his obligation even at the certain risk of his life. A case in point would be that of an inveterate sinner in danger of death, especially if he had neglected his duties for years. Some authors think that no Catholic is so ill-instructed as not to be able, with divine grace, to elicit an act of perfect contrition. For our part we think that many Catholics forget how to make an act of perfect contrition, not that it is hard to make, but because they are accustomed to make acts of attrition. The good pastor will not assume what he knows to be unusual. In cases of grave but not extreme necessity, the pastor is bound under serious sin to hear a subject's confession at his own serious inconvenience and even with a risk to his life that is probably grave. In cases of common need, neither extreme nor grave, the pastor is bound to hear a subject's confession if reasonably asked to do so, but a grave inconvenience will excuse him, at all events for a time and occasionally.

3. It is, therefore, a serious duty for pastors to hasten to sick calls without delay. The death of a subject without the Last Sacraments would be a most lamentable event. The pastor neglects his duty if he leaves, without grave reasons, all the sick calls to be attended to by curates. During a contagious epidemic, if summoned personally by his subjects, he must go to them; he will not fulfil his obligation by sending a curate if he can go himself without serious inconvenience. If he has not been personally asked for, he will satisfy his obligation by sending a curate, but he should give a good example by going himself if he can.

SECTION 2. The Obligation of Others, not Pastors

In urgent need, all confessors are bound by charity to hear the confessions of the faithful, and in danger of death, all priests are so bound. Therefore, all approved confessors are always under the obligation; priests who are not approved confessors are under the obligation when there is present the danger of a person dying without absolution.

Confessors are bound under light obligation, outside cases of necessity, as a general rule, to hear confessions when reasonably asked to do so, if they can do so without inconvenience. But if there is grave necessity, they are seriously bound to do so, if they can, without considerable inconvenience. If the need is extreme or almost extreme, or if it is general, as in cases of plague, they are seriously bound to do so even under grave inconvenience and at the risk of life, provided the need is real and there is moral certainty of helping the penitent to save his soul.

CHAPTER IX

RESERVATION OF SIN (cc. 893-900)

SECTION 1. Reservation in General

IN the early ages of the Church, the bishops reserved to themselves the absolution of some of the graver sins. Occasionally very grave sins were submitted to the tribunal of the Popes, for these, too, reserved judgment on certain criminals. Pope Innocent II (1130) visited personal attacks on the clergy with excommunication reserved to the Holy See. Similar enactments were made subsequently, which, however, regarded the external forum. Pope Sixtus V (1589) reserved to himself the absolution from the sin of simony. Pope Benedict XIV (1741) reserved the sin of false accusation of solicitation by a priest in confession.

2. The Sacrament of priestly Orders gives power to absolve from sin, but jurisdiction is also necessary, and as this is granted by Superiors it may be limited by them, so that attempted absolution without jurisdiction would be invalid. It is irrelevant to claim that priestly Ordination gives the faculty of absolving all sin. The Church has wisely limited the faculty; it knows the extent of its powers, and it was very absurd for Wycliff, Luther and others to deny this prerogative to the Church. Restriction of the power of absolving applies more strictly to sin than it does to censure. The power to absolve from sin is positively restricted by reservation; the power to absolve from censures is reserved by not being granted, but this is rather negative reservation. Since absolution from a censure is granted expressly by the Superior who inflicted the censure, it is obvious that such censure is reserved, that is, its absolution is reserved until and unless the Superior delegates the power to absolve it.

3. Reservation may regard certain classes of persons, as Religious, women in general, nuns in particular, or places, periods, or sins. Since reservation is a withdrawal of a case from the jurisdiction of the inferior to the Superior's tribunal

or judgment, it is obvious that it immediately and directly affects the confessor not the penitent.

4. The purpose of reservation of sins is that certain classes of sins, those, namely, that are more serious and more prejudicial to the body of the faithful, should be dealt with by Superiors, for these are endowed with greater knowledge, prudence, and sounder judgment, and know better how to prevent common harm. This purpose is, therefore, disciplinary. But reservation is also preventive or curative, in that persons are deterred or likely to be deterred from committing those sins the absolution of which is known to be more difficult to obtain. It is not now thought that reservation is penal, for modern legislation nowhere speaks of it as such.

5. A sin may be reserved as a sin (*ratione sui*) whether it has a censure annexed or not. A sin may be reserved because the censure annexed to it is directly reserved (*ratione censure*). The sin is then reserved indirectly, that is, so long as the censure is not absolved the sin remains reserved, provided the censure is one that precludes from the reception of the Sacraments, but if the censure—as suspension—does not preclude from the reception of the Sacraments, the sin is not reserved. When a sin is reserved because its annexed censure is reserved, if the censure is not incurred owing, v.g., to ignorance, the sin is not reserved, nor is such sin any longer reserved if absolution from its annexed censure has been obtained. But if a sin with a censure annexed, is reserved as a sin, the reservation of the sin remains in force, even though the censure has not been incurred or has been absolved.

6. Though this chapter deals with reservation of sin, the treatment of the nature of reservation will be more intelligible if the ways in which censure is reserved are briefly explained at once, though censures are treated in a separate chapter.

By common law, a censure may be reserved to the Holy See most specially, specially, or simply. Similarly by common law, a censure may be reserved to local Ordinaries. By particular law, a censure may be reserved to the local

Ordinary or the vicar general or vicar forane ; and in the case of exempt clerical Religious Orders, to the supreme authority, or the Provincial, or the local Superior.

SECTION 2. The Power of Reservation of Sin

Those who by common law can grant faculty for hearing confessions can reserve sins, except the Vicar Capitular, and, without special commission, the vicar general.

1. The Pope can reserve sins to his own tribunal in respect of all subjects of the Church. Local Ordinaries can reserve sins in their own territories. The Superior General of an exempt clerical Religious Order, and Abbots in monasteries with independent jurisdiction can reserve sins, but in both cases after consultation with their Council (c. 896), though the approval of the Council is not necessary for validity. The reservation in the last two cases is subject to previous canons (c. 519) which give Religious subjects freedom in confessing to priests who have diocesan faculties.

2. Certain cases are reserved by common law to the Pope and are called papal reserved cases ; others are reserved by common law to Ordinaries and are called papal cases reserved to the Ordinary ; others are reserved by the Ordinary to himself, and are called episcopal cases. Thus, in many dioceses, certain sins are reserved by the local Ordinary to his own tribunal. All papal cases except one are reserved because the annexed censure is reserved. The one sin that is directly reserved as a sin (*ratione sui*) is that of false judicial accusation of an innocent confessor on the charge of solicitation (c. 894). This reserved sin has a censure annexed to it reserved specially to the Holy See (c. 2363), so that even if the censure is not incurred the sin remains reserved. The contrary is the case in sins that are reserved on account of the reservation of the annexed censure, so that if the censure is not incurred the reservation of the sin ceases.

3. The canons lay down certain conditions which have to be observed by Superiors in reserving sins. They are as follows (c. 895) :

(a) All Superiors are to use their power of reserving cases

for the spiritual benefit of the faithful not to their spiritual harm. It could, therefore, be a grievous sin to use this power without a just and reasonable cause. It is more probably true that the limitation of the powers of a parish priest by the local Ordinary without a just reason and with deplorable results would be invalid.

(b) Local Ordinaries may not reserve sins to their own tribunal except after discussing the matter in diocesan synod, or failing that, unless they have taken the advice of the Cathedral Chapter and of some of the more prudent and approved parish priests of the diocese, so that the real necessity or benefit of reservation may be evident. Such formalities are required for the validity of the reservation.

(c) The cases reserved are to be few, namely, three or at most four, and these are to be limited to the more serious and atrocious external crimes specifically designated (c. 897). Consequently, internal sins are not now reserved, nor grievous external sins that result more from human frailty than from malice. But local conditions are to be considered, so that certain crimes, such as contraception, if they became somewhat common in a given section of the people, might be reserved. Long ago (1602), the Sacred Roman Congregations warned bishops against reserving without great circumspection sins of the flesh, lest scandal should arise and the good name of those penitents who had recourse to extraordinary confessors should suffer. Venial sins are not reserved, for these need not be confessed at all.

(d) The sins that may be reserved must be clearly and specifically designated, so that there can be no possible doubt as to what precisely is reserved, and therefore the exact species of sin that is reserved must be explained, otherwise the reservation is useless and of no avail.

Furthermore, reservation of sins should not be continued beyond the necessity of extirpating some public inveterate vice and of restoring Christian discipline, if it has declined. Therefore, neglect to receive paschal Communion, where a body of the faithful had become remiss, usurious taking of interest, disregard of parental duty to send children to

Catholic schools, sinful abuse of marital relations, would come within the category.

(e) All those who have power to reserve sins are forbidden to reserve those sins which are already reserved to the Holy See either as sins or by reason of a censure annexed. Probably such attempted reservation would be invalid. They must also, as a general rule, refrain from reserving to themselves those sins to which a censure even unreserved is annexed by common law.

(f) When local Ordinaries have determined such reservations as they judge necessary or useful, they must take such measures as they think best to bring them to the knowledge of their subjects. These measures may include notices at the church door—a measure that is, we believe, unusual—or publication in the diocesan magazine—also an unusual method—or an explanation of them in instructions to the people, or, what is usual in many dioceses, a printed list of them hung up in the confessional, chiefly, however, for the benefit of the confessor. By the last measure the faithful will be notified by the confessor, usually after the reserved sin has been committed. Since episcopal reserves will be few, if any at all, and will consist of the more serious crimes, a penitent will be deterred from committing such sins if he is warned by the confessor that the matter is sufficiently serious as to call for very special treatment. In some dioceses there are no sins reserved by the bishop to himself.

SECTION 3. Those subject to Reservation of Sin

1. All the faithful, including even those who have not yet reached the age of puberty, viz., the fourteenth year completed for boys and girls,¹ but have attained their seventh year of age and have the use of reason, are subject to reservation of sin, unless they are expressly exempted by law—an exemption nowhere stated—or by particular provision of their local Ordinary.

2. Persons who are actually residing in a diocese outside

¹ cf. Verm.-Creus., *Epit.*, I, n. 80.

their own domicile or quasi-domicile are subject to the reservation of sins of the place in which they happen to be, in that they cannot be absolved there, for the confessor's faculties are restricted. This opinion is now beyond question.¹

3. Exempt Religious and those who dwell day and night in their house or monastery, such as novices, servants, pupils, guests, sick, are exempt from episcopal reserved cases in this sense that a Religious confessor can absolve them from episcopal reserved cases by virtue of the faculties he has received from his religious Superior, not, however, by virtue of the faculties received only from the local Ordinary, unless the faculties extend to reserved cases.

SECTION 4. Reasons that excuse from Reservation of Sin

1. Ignorance of the reservation of a sin, which is reserved on its own account, not on account of an annexed censure, will excuse from the reservation if this has been so stated, explicitly or virtually, by the Superior, otherwise it will not, for reservation is not a penalty incurred by a penitent but is a limitation of jurisdiction. The Superior will virtually approve of the opinion that ignorance excuses if he allows his subject priests or his diocesan professors to teach publicly that ignorance excuses from reservation.

2. Since a reserved sin must be formally and materially grave, external, consummated and certainly reserved, any factor that prevents any of these conditions being verified will excuse from reservation.

SECTION 5. The Essential Characteristics of Reserved Sin

A sin is not reserved unless it has certain characteristics, in both the subjective and the material orders. The following is the enumeration of these characteristics.

1. It must be a formal sin, i.e., subjectively culpable, in respect of the particular specific malice on account of which it is reserved. Thus, if abortion is a reserved sin, that term does not include craniotomy.

¹ P.C.C.J., Nov. 24, 1920.

2. It must be an external sin, that is, committed externally by bodily members. Its external character does not prevent its being a secret sin. Thus, if abortion is a reserved sin, it is still reserved though secretly procured. Internal sins are not reserved.

3. It must be a grievous sin, both formally, i.e., subjectively, and materially, that is, in respect of the object.

4. It must be consummated in point of fact, and in the particular way in which the reservation falls upon it. Thus, attempted abortion is not included in actual abortion.

5. It must be certainly reserved, so that a confessor's faculty is not limited if there is a doubt of law or a doubt of fact in respect of reservation. Even though, in doubt of fact, it be discovered after absolution that the sin was reserved, there is no further obligation on confessor or penitent.

SECTION 6. The Cessation of Reservation of Sin

1. The prescriptions laid down in the *Codex Juris* in respect of the cessation of reservation of sin apply to sins reserved to the Pope, local Ordinaries, and religious Superiors. The principles apply to reserved sins not to reserved censures.¹

2. Reservation of sin ceases to operate in the following cases :

(a) In cases of danger of death from whatever cause (c. 882).

(b) In cases of the sick who cannot leave their house. All kinds of sickness, indisposition, lameness, even neurasthenia and hysteria avail for this privilege. Poverty, however, does not.

(c) In cases of those who confess with a view to marriage, even though they confess several times, and that, whether they are to be married or wish to rectify an invalid marriage. The reservation ceases to have force though absolution is deferred or refused, and though the confession was invalid and sacrilegious. It must, however, have been a sacramental confession.

¹ P.C.C.J., Nov. 10, 1925.

(d) Whenever, and as often as, the legitimate Superior refuses to grant faculty for a specific case. Hereby the Church takes precautions against a Superior restricting beyond measure the power of absolving reserved sins. The confessor, in this case, is to be the judge as to whether or not absolution should be given. It does not affect his power whether the refusal by the Superior is reasonable or unreasonable. In other words, the Church has left the matter to the judgment of the confessor.

(e) Whenever faculty to absolve cannot be sought from the legitimate Superior without the grave inconvenience of the penitent or the danger of the violation of the sacramental seal. These circumstances are to be left to the prudent judgment of the confessor. When a confessor is in doubt, he may absolve.

Grave inconvenience of a penitent is to be judged on general not metaphysical grounds; it may be spiritual, moral, corporal, economic, affecting himself or his relatives, and if really probable it will suffice for the exercise of a confessor's power. It would assuredly be a grave inconvenience to any penitent to remain in mortal sin for a few days or even a day, or in some cases for an hour or two. If a confessor prudently feared that a well-disposed penitent might, if unabsolved, go away considerably aggrieved and might not return for absolution, he may absolve forthwith. Delay in seeking and obtaining necessary faculties must be considered relatively to the customary methods of communication, namely, the methods of verbal or written request. A confessor is not obliged to use telephone, telegraph, motor car, or train.

There is danger of violating the sacramental seal if, by application to the Superior for faculty, he might recognize or suspect who the penitent was. It is very probable that a penitent, guilty of a reserved sin, who is desirous of immediate absolution, is not bound to choose a confessor who has faculties over reserved sins, such as the vicar forane, rather than an ordinary confessor who has not, for the latter confessor may give direct absolution. Whether the confessor has special faculties or not, the penitent must make an

integral confession, if confession is made, and is not excused from confession before Holy Communion or celebration of Mass on the ground that he cannot confess to any other than a confessor without faculties over reserved sins. All former controversies on this point are now irrelevant.

Furthermore, it is to be observed that at times there may be no urgent necessity of absolution so far as the penitent's wishes are concerned, if he does not appreciate the danger of remaining in mortal sin for a few days. If such be the case, though it is somewhat academic, a confessor who has no faculties over reserved sins may not absolve a penitent in such a case directly from unreserved sins and indirectly from reserved sins. If he wrongly absolved such a penitent, he would commit a grave sin, and if he presumed to do so knowingly, he would incur suspension, and even excommunication if he absolved from censures reserved to the Holy See most specially or specially. We do not think that recourse to the principle of common error would meet the situation, that is to say, the common error that avails sometimes for direct valid absolution would not avail for direct absolution from reserved sins in such cases. Nevertheless, a penitent confessing in good faith both reserved and unreserved sins to a simple confessor, i.e., one who has only diocesan faculties, would be absolved only indirectly from the reserved sins and consequently would be under an obligation of seeking direct absolution for them afterwards. Probably he would never advert to this obligation. Furthermore, if a simple confessor inadvertently absolved a penitent from reserved sins, the absolution is probably valid.¹

(f) Lastly, reservation of sins loses its force outside the territorial jurisdiction of him who reserved the sin, even if a penitent seek absolution for such reserved sin in order to evade the law of his own territory. When such a penitent confesses outside his territory, being then a stranger (*peregrinus*), the confessor need regard only the reservations in his own (i.e., the confessor's) territory, from which, *ex hypothesi*, he cannot absolve even strangers. This is true even if the penitent committed the reserved sin elsewhere

¹ Cappello, II, n. 593.

than in the place where he confesses. It is true also of those who have no domicile or quasi-domicile anywhere (*vagi*).

SECTION 7. Absolution of Reserved Sin

1. The canons forbid local Ordinaries to give faculty to absolve reserved sins too freely and indiscriminately, since the very purpose of reservation would thus be rendered useless.

2. Ordinary and official power to absolve from episcopal reserved sins without censure is enjoyed by the Superior who reserved the sin, by his successor, by the vicar general and the Vicar Capitular. Priests of a regular Religious Order, though they may have, by communicated delegation, power over some papal reserved censures, have no power over episcopal reserved sins by virtue of any privilege they may enjoy in respect of censures, episcopal or papal. By common law (c. 401), the Canon Penitentiary has faculties to absolve episcopal reserved sins.

3. The canons prescribe that at least vicars forane should be granted habitual faculty over reserved sins, and that they should have the faculty, especially in districts somewhat remote from the episcopal city, of subdelegating this faculty to confessors of their districts who apply for it for some urgent and specific case. The canons imply that the same faculty should be given habitually to other confessors as well as to vicars forane.

4. Common law gives the power of absolving episcopal reserved sins to parish priests and to those who are in law called pastors, such as vicars and interim administrators, substitutes, but not to curates, during the whole of paschal time. Since the canon speaks of paschal time, penitents can then be absolved from sins reserved to the Ordinary though not making their paschal confession.¹

5. Each missionary has the same power over episcopal reserved sins when he is conducting a mission given to the people. The canons (c. 1349) speak of missions being given every ten years but the term may here be interpreted as a set of spiritual exercises given to the people at any time.

¹ Censures reserved by the Ordinary are included; cf. *Clergy Review*, March, 1947, p. 195.

Any priest who is delegated to hear confessions during such missions has the same power as the missionary.¹ The term 'mission' may also include spiritual exercises given to clerics, Religious, laypeople in common and also, probably, in private and individually, for the purpose of the law is capable of being fulfilled in each case.²

6. It is thought probable that, if a confessor who has no faculty to absolve a reserved sin without censure attached to it absolves it inadvertently or in ignorance, the absolution is valid.³

¹ Cappello, II, n. 559, 3.

² Cappello, *loc. cit.*

³ Cappello, II, n. 593.

CHAPTER X

THE PENITENT (cc. 901-907)

SECTION 1. The Obligation to confess Mortal Sins

EVERY person who, after Baptism, has committed mortal sins which have not been already directly forgiven by the power of the Keys of the Church is bound to confess all such sins of which he is conscious, after having made a diligent examination of conscience, together with all circumstances which change the species of his sins (c. 901).

It is certain that this obligation arises from divine law when a person is in actual or probable danger of death, whatever the cause of the danger may be, for the Sacrament of Penance is necessary for salvation in the case of those who have committed mortal sin after Baptism.¹ Since Christ our Lord instituted this Sacrament for the forgiveness of sins, if it were not obligatory at least when there is danger of death it would never be obligatory, and those in mortal sin could entirely disregard this institution of Christ. It is, therefore, as necessary for the forgiveness of mortal sins as is Baptism for regeneration. But as in Baptism, so in this Sacrament, the desire of the Sacrament would, in some cases, be sufficient, that is, where confession is impossible, for the act of contrition contains the desire of confessing. Thus, confession of mortal sins is necessary for salvation, not in the nature of things but by divine institution. This Sacrament was primarily instituted as the proper means for the justification of sinners and for no other purpose. Consequently, since what is instituted by God as a proper means and, as far as it is concerned, the only means of attaining a certain end, that means has an essential connexion with the end to be attained, and is as necessary as the end itself. It follows that one who efficaciously wishes to attain the end must also, at least implicitly, wish to employ the proper and only means to it. Many actions are commanded by God

¹ Conc. Trid., s. 14, c. 6.

but not as proper and only means to salvation ; but the Sacrament of Penance was instituted for one definite purpose. A man, then, who wishes for forgiveness of sins by contrition must necessarily wish to employ the proper and instituted means to that end.¹

It is not certain that the divine law of confessing extends to confession at other times as well as when there is danger of death, but the Church prescribes annual confession of mortal sin. This annual repetition of confession of mortal sins is the extent of the obligation, apart from the case of confessing in danger of death and before receiving Holy Communion (c. 856), so that one who falls into mortal sin is not strictly bound to confess or to elicit an act of contrition precisely that he may not remain in mortal sin. It was held by some divines that he was so bound, for he could not avoid additional grievous sins. Good Catholics do, of course, confess frequently, but many Catholics do not, and they remain in mortal sin for months, until they fulfil their Easter duties. Though such a procedure is to be condemned, since no one can promise himself life till Easter comes, nevertheless, these people are violating no divine or ecclesiastical law in respect of confession.

2. The character and extent of the ecclesiastical obligation are set forth in the canons (c. 906) : " Everyone who has reached the age of discretion, that is, the use of reason, is bound to confess sincerely all his sins at least once a year."²

(a) This precept is obligatory under grave sin. The faithful generally describe the omission of annual confession and Communion as being out of the Church. They are not excommunicated, but they have ceased to be practising Catholics as much as one who neglects Sunday Mass or the obligation of abstinence.

(b) The Church does not by any means regard the obligation non-existent if a person in mortal sin has not confessed for a year, since the period of a year is laid down in this sense, that after the lapse of one year the obligation of confessing mortal sin is laid upon the sinner and remains

¹ cf. Galtier, *de Penit.*, p. 268.

² The law is to be understood as referring to mortal sins only.

on him. Thus, if one in mortal sin neglected to confess for more than a year, he would have grievously offended against the law of the Church.

(c) Children are obliged by this law of confession as soon as they have reached the use of reason ; this is presumed on completion of the seventh year, but it may be sooner. The use of reason is reached when a child is capable of grievous sin. The same age is required and is sufficient for the obligation to arise of receiving Holy Communion.¹ Those confessors act wrongly who do not absolve children before they have actually made their first Holy Communion on the ground that they are not fit subjects of absolution.²

(d) The laws of annual confession and paschal Communion are distinct laws, so that if the latter were impossible to fulfil, the former would still be binding. But since confession is not necessary for the forgiveness of venial sins (c. 902),³ the precept of annual confession does not bind one who has committed only venial sins. Confession of mortal sins need not necessarily be made at Easter, unless, of course, such confession is necessary before paschal Communion at Easter. The year during which confession must be made may probably be computed from Easter to Easter.

(e) The obligation is not fulfilled by a sacrilegious or invalid confession (c. 907) for the Church does not issue the precept without any purpose ; it obliges the faithful to make a good and fruitful confession, so far as they can.

(f) It was stated above that mortal sins committed after Baptism, not as yet directly remitted by the power of the Keys of the Church, have to be confessed. This direct remission means that the sinner is sacramentally absolved, and the sanctifying grace which he receives by virtue of the Sacrament directly and immediately remits the sins that have been confessed, and extends also to those not remembered, for grace does not remit some mortal sins whilst others remain unremitted ; its efficacy is extended to every mortal sin. Therefore we rightly speak of direct remission

¹ P.C.C.J., Jan 3, 1918.

² S.C. de Sacr., *Quam singulari* (Aug., 1910).

³ Conc. Trid., s. 14, ch. 5.

and indirect remission of sins, because in the former case the sins were specifically submitted for absolution and absolution was immediately directed to them. When the confessor uses the words : " I absolve thee," he means " I administer the Sacrament that absolves thee from the bonds of sin and confers sanctifying grace." ¹

(g) It was also stated that those circumstances that change the species of a sin must be confessed, if mortal. The specific differences between sin and sin have been explained above. It will only be necessary here to indicate summarily a few principles. Certain circumstances render mortal what would otherwise be venial, as in cases of scandal. The condition of the person sinning may change the species of a sin, as in the case of those under vow, those married and those in authority. The condition of the person injured may change the species of a sin, as in the case of children injured by parents, those consecrated to God by vow sinned against by unchastity, injustice against the clerical state. The circumstances of place and time may change the species of a sin, as also the motive for which an evil action was done. The reason why such circumstances must be confessed is that they add a specific inordination of their own to the substantive act. Other circumstances that merely aggravate the malice of a sin within the same species need not be confessed. Thus, if one commits a grievous sin of hatred, it is not necessary to state how intense the hatred was nor for how long a time, if continuous, it was fostered.

SECTION 2. The Necessary and the Free Matter of Confession

1. We do not speak of sin as the matter of the Sacrament of Penance, as we speak of water as the matter of Baptism. But sin may be considered as that matter or object to which the acts of a penitent and the sacramental absolution are directed or which the latter remits. We may in this sense speak of sin as the remote matter of the Sacrament, that is, the matter to be submitted to the Keys.

2. Sin that must be confessed is the necessary remote

¹ cf. Galtier, *op. cit.*, p. 379.

matter. Thus, all mortal sins committed after Baptism and not as yet directly remitted by sacramental absolution, even though they may have been remitted in other ways—as by an act of contrition—must be confessed. Mortal sins already directly remitted by the power of the Keys and venial sins are sufficient but not necessary matter for confession. There is no obligation, therefore, to confess either, for the one set has already been forgiven, the other set can be forgiven without the Sacrament in many other ways.¹ Though sins already confessed and forgiven cannot strictly be forgiven a second time, nevertheless, sacramental grace that would remit sin if its guilt were present can be given again and again, temporal punishment due to sin can be remitted if not already fully remitted, and a penitent can receive further assurances of full forgiveness and additional titles to grace, and can elicit greater sorrow for all sin by repeated confession of forgiven sin. S. Thomas suggests the more complete remission of temporal punishment,² others suggest an increase of peace. Perhaps the best view is that the Sacrament confers additional right to special assistance consisting in actual graces to bring about an ever-increasing estrangement from sin and reparation for past sins. These actual graces require co-operation, and if that is wanting, the grace is not translated into the more complete severance from sin.³ Furthermore, the practice of the faithful approved by the Church, Papal Constitutions (as that of Pope Benedict XIV, *Inter cunctas*), the unanimous teaching of divines, clearly establish the doctrine. In general confessions, the penitent is, of course, free to confess some of the forgiven mortal and venial sins and omit others; and when the penitent has only venial sins to confess, some may be confessed and the others omitted. Indeed, confessors may rightly check penitents who make a general confession from going into detailed explanations of venial sins or giving a long list of them.

3. Any mortal sin that is committed by an adult recipient

¹ Conc. Trid., s. 14, ch. 5.

² *IV Sent.*, d. 17, q. 3, a. 3, sol. 5, ad 4.

³ Galtier, *Sin and Penance*, trans. by Rev. B. Wall, D.D., p. 252 sqq., where the matter is fully explained.

of Baptism during Baptism, such as a sin of disbelief, hatred, or contempt, does not invalidate the Sacrament. But the question may be asked : Is this sin forgiven by Baptism itself, is it forgiven by virtue of Baptism through subsequent attrition, or is it necessary matter of the Sacrament of Penance? Assuming that the sin was committed during actual Baptism, the obligation of confessing it afterwards is very doubtful,¹ but there would certainly be an obligation if the sinful tendency in the will persisted even for a moment after Baptism. Some authors think that the sin in the will would normally persist after Baptism. On this hypothesis, the sin would certainly be necessary matter of confession.

SECTION 3. Doubtful Matter of Confession

Doubtful matter of confession are sins that probably were not committed at all, usually owing to doubtful consent, and sins that have probably been confessed and absolved. Absolution of doubtful matter is itself doubtfully valid. The confessor should, in the rare cases when he cannot induce a penitent to submit matter that is certain, absolve conditionally to safeguard the Sacrament. But he should prudently insist on some certain past sin being confessed ; he may suggest wilful distractions in prayer. If, most unusually, nothing certain is confessed, he may conditionally absolve doubtful sins, and it is best to do so ; he may also conditionally absolve doubtful venial sins, but with an admonition to penitents to call to mind and confess some certain past sins, especially one or two concerning which they wish to form a firm purpose of amendment.

From what has been said it is evident that venial sins and all sins already forgiven are sufficient matter, but doubtful sins and imperfections are not sufficient. An imperfection as such is not a sin ; it may be sinful in consequence of sinful motive, such as spiritual sloth and inordinate love of ease. Imperfection consists in indeliberate violation of law, or omission of what is matter of counsel only.

¹The matter is doubtful owing to the controversy amongst the greatest theologians, as S. Thomas, S. Bonaventure, S. Alphonsus, Suarez, Lugo ; cf. Cappello, II, n. 48.

SECTION 4. The Confessions of Converts

In this country, when an adult is conditionally re-baptized on reception into the Church, confession is of obligation. The obligation of confession was imposed in the case of Charles Wippermann in Germany (1715) and of converts in England (1868). Some authors have, therefore, maintained that the obligation is one of divine law interpreted to be such by the Church. This opinion was apparently strengthened by the publication in 1899 of a letter of the Cardinal Prefect of the Congregation *de Propaganda Fide*, written in 1869, which stated that such confession was universally obligatory. On the other hand, the Cardinal Secretary of the Holy Office declared in 1897 that the contrary opinion might be safely held, and it is certain that the pertinent decrees were issued for particular cases, the circumstances of which made it safer that confession should be imposed. The view of modern theologians is that this prescription is probably one of Ecclesiastical law only, and therefore in those countries for which this legislation was given, confession must normally be imposed, but as the law is probably only ecclesiastical, the obligation should not be urged when it is highly probable that the previous Baptism was invalid. In other countries where the confession is not imposed, it is indeed to be urged as a matter of prudence and security, but not of strict precept, but if the remission of past sins is not really probable because the former Baptism was very probably valid and the conditional Baptism not necessary, confession should be imposed. It must be admitted that we are here in the region of probabilities, and the solution of each case must be left to the prudent judgment of the bishop or the confessor.

SECTION 5. Generic Confession

A generic confession of sins is a confession in general terms, without mention of any specific sins. The most generic form would be to say : " I accuse myself of my sins "; or to give only signs of sorrow for sin. Other less generic

forms would be : " I have sinned grievously " ; " I have sinned against justice."

The question arises : Is the most generic confession sufficient for valid absolution ? Authors lay down the following principles :

1. If a penitent has mortal sins to confess, a generic confession is not sufficient, apart from cases of necessity when nothing more can be done. Such a generic confession is insufficient, because it is contrary to the divine precept of confession in detail of all mortal sins.

2. In cases of necessity, when a detailed confession is impossible, a generic confession is sufficient, as we know from the practice of the faithful in cases of danger of death in battle or from sickness or accident. The Sacred Penitentiary has expressly declared that soldiers, before an engagement, may be validly absolved in a group, though they are obliged to make a detailed confession of their mortal sins afterwards, if they survive. The Chaplain has to instruct them to fit themselves for absolution.

3. A generic confession of matter that is not necessarily to be confessed is valid, that is to say, a generic confession of sins already absolved, or of venial sins.

4. Generic confession of venial sins or of sins already directly forgiven is probably lawful as well as valid, for there is no divine or ecclesiastical precept that such sins have to be specifically confessed. But, on the contrary, it is held by many authors that the practice of the faithful and the judicial character of the Sacrament are opposed to this view. In practice, and outside the cases of necessity when specific accusation is not possible, a confessor should not normally be satisfied with the most generic confession, though such confession is valid if there is no necessary matter to be confessed. The confessor should suggest the confession of some specific sins, such as a sin against justice, religion or charity, otherwise penitents easily become perfunctory in their confessions, confuse imperfections and venial sins, and may, therefore, be submitting insufficient or dubious matter for absolution. Furthermore, sorrow for definite sins is usually more easily elicited.

SECTION 6. Confession through an Interpreter

The canons (c. 903) permit, though they do not enjoin, confession through an interpreter, when, for example, the confessor is wholly ignorant of the language of the penitent. Missionaries have been advised to exhort penitents, whose language they do not know, to confess at least some sins through an interpreter,¹ who is to be warned about the inviolable secrecy of the confession, and all abuse and scandal are to be avoided. If no interpreter is employed, a penitent may be absolved if he merely give external signs of confession and sorrow. This would be particularly true in the case of the dying, if the Missionary were summoned to a Catholic whose language was unknown to him.

SECTION 7. Confession to a Priest of Different Rite

A Catholic may confess to an approved confessor of another rite whenever it is wished to do so (c. 905). All priests approved for confessions in any place with ordinary or delegated jurisdiction can validly and lawfully absolve Catholics of any Oriental rite (c. 881). This canon deals, of course, with Latin priests, since the *Codex Juris* is primarily concerned with the Latin Church (c. 1).

SECTION 8. Frequent Confession

The Sacred Congregation of the Discipline of the Sacraments issued an Instruction containing rules for Frequent Confession. It is there stated that frequent confession was to be urged. Those living in community should have the opportunity given them of confessing frequently, even daily, and of doing so shortly before the time of receiving Holy Communion. In schools, confessors should always be available before the time of Holy Communion.² Pope Pius XII has also urged frequent confession of even venial sins.³

¹ S.O., 1633 ; S.C.P.F., 1630 ; cf. Cappello III, 168.

² S.C. de Sacr., Dec. 8, 1938.

³ *Mystici Corporis Christi*, June 29, 1943.

CHAPTER XI

THE ACTS OF THE PENITENT

SECTION 1. Contrition, Confession, Satisfaction

IN this Sacrament, the acts of the penitent which, with the absolution given by the priest, constitute it, are contrition, confession and satisfaction. Reconciliation of the sinner with God requires the will to be reconciled, which means the act of contrition and purpose of amendment; subjection to the judgment of the priest, who acts in God's place, means confession; compensation in accordance with the judgment passed by the priest, who judges in God's place, means satisfaction.¹ These acts of the penitent are required by divine institution for the integrity of the Sacrament and the complete and perfect remission of sins.² That these three acts of the penitent are required is matter of defined Catholic Faith.³

2. There is no controversy amongst divines as to the necessity of these acts as subjective dispositions of the penitent, but as to how these acts, as sensible, externally manifested acts, together with the absolution, constitute the Sacrament, there is considerable controversy. Are they merely subjective dispositions necessary that the Sacrament may produce its effect, or are they, as external acts, a mere condition for the existence of the Sacrament, or are they the matter which, with the absolution, intrinsically constitute the Sacrament? The more common opinion is that these acts are the matter by which the Sacrament is constituted. The reason for this opinion is that the Council of Florence spoke of the acts of the penitent as *quasi materia*, and since it had previously stated that all the Sacraments were constituted by matter, form and the minister, many authors consider that this term was employed merely because the acts of the penitent are not quite analogous to the matter, such as water, oil, in other Sacraments. The Council of

¹ S. Th., S., 3, q. 90, a. 2.

² Conc. Trid., s. 14, ch. 3.

³ Conc. Trid., s. 14, c. 4.

Trent spoke of the acts of the penitent as *quasi materia*, and added that those acts are called parts of Penance inasmuch as they are required by divine institution on the part of the penitent for the integrity of the Sacrament and for the complete and perfect remission of sin. The Catechism of the Council of Trent explained the phrase by saying: "nor are these acts (of the penitent) designated *quasi materia* by the Holy Synod because they have not the character of true matter, but because they are not matter of that kind which is externally applied, as water in Baptism and chrism in Confirmation." The Council of Trent in calling these acts parts of Penance appeared to exclude them from the category of mere conditions. Consequently, in this view, the acts of the penitent are informed and elevated by the absolution of the priest so as to be an efficacious sign of grace.¹

There are two other views on this subject, namely, that the acts of the penitent are matter on which the Sacrament works and that they are required merely as interior dispositions of the penitent without being necessarily externally manifested. The third view is that of the Scotists in general, who think that the Sacrament is constituted intrinsically by the absolution alone, and that the acts of the penitent are a necessary condition that the absolution may be a judicial sentence. In this view, it appears that confession and contrition must be manifested in some way.

It is permitted to adopt any of these views, and it must be observed that in cases of dying Catholics who are unconscious, it is easy to give absolution in accordance with any of these views, for interior acts may always be presumed, and the very breathing and pulsations of the heart may be, for all we know, external manifestations of confession and contrition. To refuse absolution to an unconscious Catholic on the ground that no clear external sign of contrition or confession is given would be to subject the use of the Sacrament to theoretical views that are not proved to be the only tenable views.

¹ Lugo, *de Penit*, d. 12, n. 32.

SECTION 2. Perfect and Imperfect Contrition

Contrition is sorrow for and detestation of sin committed, joined with a determination not to sin again. Sorrow is a spiritual sadness or grief, detestation is hatred. The three elements, namely, sorrow, detestation, and resolution are found in all true contrition, but it is not clear which of the three or whether all three essentially constitute contrition.

1. Perfect contrition is sorrow that is elicited from the motive of disinterested love ; imperfect contrition is a sorrow that is elicited from a less exalted motive, such as gratitude or fear of punishment. The former remits all sin apart from the Sacrament ; the latter remits all sins in the Sacrament and venial sins apart from the Sacrament. The formal act of perfect love of God is not required for contrition, but perfect contrition virtually includes this love, for by it, sin is detested and grieved for as being an offence against God who is loved and lovable above all else for His own sake. As already explained, any Divine Perfection can be the motive of perfect love ; it can also be the motive of perfect contrition. It has also been pointed out in the treatise on Charity that a sinner can easily rise to perfect love from the consideration of Christ our Lord suffering on the cross, for if sin is regarded as an evil in reference to Christ and so detested, this is perfect love.

It would, of course, be false to assert that contrition is the cause of the remission of sin. It is rather the disposition for forgiveness and a meritorious cause of it in the wide sense, in that God will certainly hear a sinner's prayers. Although perfect contrition remits and has always remitted all sins, in the New Dispensation it does not do so without reference to the Sacrament of Penance, and when a sinner is reconciled to God by perfect contrition, the effect is not to be ascribed to contrition apart from the desire of receiving the Sacrament.¹ Consequently, when grievous sin is remitted by perfect contrition, there remains the obligation of submitting it to the power of the Church for direct absolution. This desire of receiving the Sacrament of

¹ Conc. Trid., s. 14, ch. 4.

Penance need not be explicit ; it could never be so in the case of those who know nothing about the Sacraments, or do not admit the necessity of Penance. Implicit desire of confessing is sufficient, and this is necessarily included in all perfect contrition, for no one can be truly contrite or love God with perfect charity without having a virtual desire and intention of fulfilling an obligation imposed on all sinners by Christ, namely, of confessing grievous sins.

2. Perfect contrition for mortal sins is necessary for salvation if the Sacrament of Penance cannot be received. It is certainly necessary at the hour of death and when one is under an obligation of reconciliation with God, if there remain unforgiven mortal sins, and the Sacrament cannot be received. Furthermore, it will be necessary when the official minister of a Sacrament, being in the state of mortal sin, is about to administer a Sacrament solemnly such as Baptism, or to produce a Sacrament such as the Holy Eucharist, when no confessor is available. It will also be necessary when one in mortal sin is about to receive a Sacrament of the living, such as Confirmation, Holy Orders or Matrimony, confession being either not desired or not possible ; but if one is about to receive Holy Communion or to celebrate Mass, confession is prescribed if a confessor is available.¹ A sinner in mortal sin, who is suffering grievous temptation, which he cannot, as he thinks, overcome without special help from God, must reconcile himself with God by perfect contrition or the Sacrament of Penance.²

3. Imperfect contrition or attrition is that sorrow and detestation for sin which is based, not on the motive of perfect love, but on some inferior motive having some relation to God, since the sorrow for sin on the ground that it is, for example, socially disgraceful is not supernatural sorrow. Attrition may be based on the desire for God (*amor concupiscentiæ*) as the sinner's good, or, on a lower plane, it may be based on the hope of reward or fear of punishment. Any motive will suffice, provided it is referable to God, such as the turpitude of sin, the fear of hell, the

¹ If Communion or Mass were unavoidable, contrition suffices if no confessor is available.

² S. Alph., lib. 6, n. 437.

fear of other divine retributions. The first of these three motives regards the offence against God as the sinner's Supreme Ruler and Benefactor, his Sanctifier, Rewarder and Supreme Good. The salutary fear of hell is the fear of eternal punishment by the loss of God and sensible pains, not an utterly servile fear, which would be centred and concentrated in oneself, but a filial fear which regards the just anger of an offended parent. The fear of other divine retributions is the fear of those temporal punishments which God inflicts on the sinner in this world or in purgatory. This attrition is sufficient for the remission of all sins in the Sacrament of Penance. Without the Sacrament it is insufficient for grievous sin. There is no formal or explicit act of love of God necessarily in attrition.¹ The Council of Trent, indeed, stated that the sinner who is disposed for justification is aroused to hope, trusts that God will be propitious to him for Christ's sake, and begins to love Him as the fount of all justice, and is, therefore, moved by some hatred and detestation against his sins.² But the love of which the Council speaks is not an explicit act of love of God over and above attrition and distinct from it, since God is described as the Fount of all Justice from Whom the sinner hopes for forgiveness. Furthermore, the Council does not contradict its own teaching. It discriminates between contrition and attrition, on the ground that the latter may be based on motives lower than the motive of the love of God. It is, therefore, permissible to receive the Sacrament of Penance with attrition, without any reflex act of initial love of God.³

SECTION 3. Qualities of Contrition

Sorrow for mortal sins, whether it be perfect or imperfect, the latter being joined with confession, must be true sorrow, supernatural, supreme and universal.

1. It must be true sorrow of the will, not sentiment or feeling in the senses. For the purpose of confession, this sorrow must be an act of formal sorrow, for an act of charity

¹ cf. Galtier, *op. cit.*, p. 298.

² Conc. Trid., s. 6, ch. 6.

³ cf. also Pohle-Preuss, *Sacraments*, III, p. 170.

in the case of one who does not explicitly think of his sins, will not suffice, though it disposes the sinner to receive divine grace. Formal sorrow is necessary as part of or a necessary condition for the Sacrament of Penance. This is the common teaching, but in practice, it would seem impossible for a sinner, who has disposed himself for grace by perfect charity, to accuse himself of his sin as something hated by and displeasing to him without a formal act of hatred, detestation and sorrow. Authors tell us, therefore, that a confessor should urge a penitent to make a formal, explicit act of sorrow, but that after the confession has been made and absolution given, there is no need for anxiety.¹

Consequently, true formal sorrow must always be elicited for the Sacrament. Imagined sorrow will not suffice. A penitent may think that he has real attrition whereas he has not. He may detest sin from the fear of hell but not as the supreme evil, and still think that he has supreme sorrow ; or he may conceive a detestation of sin in his judgment but without absolute detestation in his will, so that his determination not to sin again would not be efficacious. Again, he may think that he has sorrow for sin as an offence against God, whereas sin really displeases him on account of some merely human reasons. It appears certain that such a state of mind and will is possible. It is now commonly held that imagined attrition is not sufficient in the Sacrament of Penance for two reasons, namely, because true sorrow is absolutely necessary for the remission of sin, and the Councils clearly indicate true sorrow in speaking of those dispositions which are necessary for forgiveness.² Ballerini was at great pains to prove that the contrary opinion can be established on the authority of older authors, of some who were present at the Council of Trent, and from the analogy that a defective confession made in good faith is no bar to sacramental grace.³ His editor, Palmieri, sufficiently refutes the view. The confessor will, therefore, always expect the penitent to make an act of explicit sorrow during or before absolution.

¹ For a full treatment of this point, cf. Lehm., II, n. 384.

² cf. Cappello, II, n. 142.

³ *Opus Morale*, V, p. 30.

If a penitent thinks that he is not sorry and cannot feel sorrow, he may be urged to hate his sins, turn away from them and resolve not to sin again with the help of divine grace. If he will make such an act, he may be reassured that his sorrow is sufficient. Penitents who recite the 'Our Father' or the *Confiteor* instead of the act of sorrow during absolution must be interrupted and told to make an act of contrition of some sort. If they have forgotten how to make it, the confessor will make it with them.

2. Furthermore, sorrow for sins, with or without the Sacrament, must be supernatural, that is, based on some supernatural motive, namely, a motive that is referable to God. Such motives are very numerous. They include sorrow for sin as an offence against the Fount of Holiness, Goodness, Perfection, man's Supreme Good, man's Creator, Preserver, Redeemer, and against the justice of God who punishes sin, an offence of ingratitude, rebellion, contempt, an offence that deserves chastisement in hell or in this life. Hatred of sin because it is opposed to right reason, decent conduct, altruistic service, and other such natural aspects is not supernatural hatred at all. It is hardly possible that such motives suggested above should not be apprehended as supernatural in the sense that they are all objects of Revelation and apprehended by divine faith, nor is it practically possible for a sinner to approach the Sacrament with divine faith and supernatural hope without basing his sorrow on a supernatural motive. Nevertheless, it is held as probable that if a sinner has supernatural faith and hope, natural motives of sorrow may suffice, such, for example, as the disgrace of violating divine law or renouncing the Last End.¹ It is quite certain that sorrow based on merely natural motives is not sufficient.²

3. Sorrow must be supreme, inasmuch as the sinner must regard sin as the greatest evil, and detest it above all other evils, and be prepared to endure any evil or misfortune or suffering rather than sin mortally. There is no need to institute comparisons between great misfortunes and the evil of sin. Such are disturbing to tepid souls and should

¹ cf. Galtier, *op. cit.*, p. 297, 3.

² Pope Inn. XI, pr. d. 57.

not be made. The loss of a child appears the greatest possible evil to a mother, even greater, in her moments of passionate sorrow, than the loss of heaven. In presence of such sorrow, the fewest words are the best.

No particular degree of intensity in sorrow is necessary. S. Thomas Aquinas was followed by all the Scholastics in this matter. Howsoever slight the sorrow is, provided that it is contrition, it blots out all sin. Many writers, Pope Hadrian VI, P. Soto, Juenin, Estius, Lupus, required intense sorrow or charity.¹ The command of Christ that we should love God with our whole heart refers to the love of appreciation.

Sorrow, to be perfect, need not last a definite length of time. The contrary appeared to be taught by some writers, and even bishops, it is said, were found who refused absolution to dying sinners on the ground that their sorrow had not been protracted. Unless these two instances have been misunderstood, forgiveness through the Sacrament was made difficult. At the same time, penitents should be urged to make acts of contrition slowly and not too briefly, in order to habituate themselves to the right dispositions. Perfunctory acts of sorrow in the case of children are to be specially condemned. In the Sacrament, sorrow should be manifested externally; more probably this external act is an essential element in the Sacrament. Sorrow can be expressed by sincere accusation of sins, and humble acceptance of absolution.

4. Sorrow for sins, whether perfect or imperfect, must be universal and must extend to all mortal sins not as yet forgiven, whether they are remembered or not, for no sin can be forgiven without sorrow for it, and one mortal sin cannot be forgiven apart from another or others, since sanctifying grace is not compatible with the existence in the soul of any mortal sin. But it is sufficient that sorrow should be implicitly universal; it need not be explicitly universal in the sense that separate acts of sorrow are made for each mortal sin or one act of sorrow is made for all the sins separately remembered. It is implicitly universal when

¹ cf. Pohle-Preuss, *op. cit.*, p. 144.

sorrow is elicited from a motive such as fear of hell or love of God and is directed to all mortal sins taken together. Therefore, sorrow is sufficient if it extends to all sins conceived in a confused or general category, for it then virtually extends to each and every sin confessed.

SECTION 4. Sorrow for Venial Sins

Sorrow for venial sins must be true, internal, supernatural and supreme, but need not be universal in this sense that one venial sin may be regretted and detested whilst others are not, since the sinner may conceive a particular reason why he should be sorry for one kind of venial sins without having any sorrow at all for another kind. Thus, a person might be truly sorry for venial sins of injustice or anger, whilst intending to continue committing venial sins of intemperance. Consequently, as some venial sins can be forgiven without others being forgiven, sorrow for venial sins need not be universal. If, however, a venial sin is regretted and detested because it is an offence against God, such sorrow will be based on a universal motive and would virtually extend to all mortal and venial sins. It would certainly be a grievous sin to confess venial sins without any sorrow at all. The absolution would then be invalid and the Sacrament null. If several venial sins are confessed but there is not sorrow for a particular one of the set, though there is for the others, this deception, so to speak, is at most, venially sinful, but the absolution is valid ; indeed, it may not be even venially sinful, if the penitent confessed out of routine, or in the hope that he might conceive sorrow for that venial sin, or, lastly, if he does not seriously submit that venial sin to the Keys, but mentions it as he might confess imperfections.

SECTION 5. The Relation of Sorrow to Confession

1. Since a penitent must have the necessary dispositions for absolution before it is given or whilst it is being given, the sorrow that is necessary in this Sacrament must be elicited at latest at the moment before absolution is actually

given. But it is on all accounts wise to elicit an act of sorrow before actual confession. It is certain that sorrow elicited after actual confession of sins and before absolution is sufficient, even though it be granted, in accordance with the opinion of most divines, that the accusation of sins must be sacramental, that is, conjoined with external sorrow for sins. It appears that a penitent who waits for absolution and elicits sorrow has morally united his actual confession and his sorrow.

But if sorrow for sins has been conceived before actual confession it must certainly persist that it may be a part of the Sacrament or a necessary condition for absolution. Therefore an act of sorrow is best made immediately before confession. This necessary sorrow, however, virtually persists as long as it is manifested by the avoidance of occasions of sin and the will to confess. But the question as to how long previously elicited sorrow does persist is disputed. No definite time limit can be assigned. Assuredly, the more intense it has been and the more consciously it has been elicited with a view to confession, the longer will it virtually persist. It may persist for days, certainly it will persist for an hour or two. Sorrow is, however, revoked by a fresh mortal sin, and would always be so revoked so far as fruitful reception of the Sacrament is concerned, without a new act of sorrow. As the matter is very obscure, confessors should always suggest an act of sorrow before absolution.

2. It is certain that the one act of universal sorrow will suffice for a second absolution given shortly after the first for sins forgotten and only then remembered and confessed. But a confessor will tell the penitent to make another act of sorrow before the second absolution. Should the second confession of forgotten sins be made some time after the first, some hours or a day after, a fresh act of sorrow is certainly to be advised.

Sorrow need not necessarily be elicited with a view to confession. The Sacrament will be valid if the sorrow morally persists. Whether it morally persists or not, a prudent confessor will, as stated above, always urge the penitent to make an act of sorrow before absolution.

SECTION 6. Universal Contrition necessary

1. In the cases of Baptism, Confirmation and Orders it is easily understood how these Sacraments can be validly received without bestowing grace, owing to the obstacle of grievous sin being present in the recipient. But as the Sacrament of Penance requires proper dispositions on the part of the recipient, inasmuch as sorrow is a part of the Sacrament, it is difficult to see how this Sacrament can ever be validly received without bestowing sanctifying grace. The defect, if it exists, can arise only from want of due sorrow. Thus, it might happen that the attrition of a penitent is not universal when it ought to be, nor supreme, nor conjoined with a determination to avoid future sin. Such a penitent would not be a fit subject for receiving grace, but the attrition might suffice, it is stated, to constitute the Sacrament. In this case, the Sacrament, it is maintained by some, would be valid but ineffective and fruitless.

2. Of the various views on this subject, the first is that the Sacrament would be valid but ineffective if the confession was made in good faith with some attrition that was not, as a fact, universal or supreme. It is maintained that since supreme sorrow cannot be manifested it cannot be a part of the Sacrament, and therefore cannot be necessary for the validity of the Sacrament though it is necessary for its effect. This view should admit the validity of the Sacrament in the case of a penitent who has true sorrow but knows it is not supreme.

The second view is that the Sacrament would be valid in the case of a sinner who, being guilty of several grievous sins, elicits in good faith sufficient sorrow for some sins from a particular motive which does not extend to the others, and elicits no sorrow for the latter nor any purpose of amendment in their regard. The opinion is speculatively probable, but, in fact, it is highly improbable that sinners, moved, as they are, to sorrow from the fear of punishments, do not extend their sorrow to all their grievous sins.

A third opinion holds that, in the cases cited above, the Sacrament is both valid and effective, since the sinner is

determined not to sin again, he seriously wishes to be reconciled to God, and thus cannot fail to have a true desire to revoke and avoid all sin. This opinion appears to be probable.

A fourth opinion holds that, in the cases cited above, the Sacrament is both invalid and ineffective, owing to defect of matter or of a necessary condition for the existence of the Sacrament. The matter or the necessary condition is efficacious sorrow and detestation of sin, with a determination not to sin again that is both absolute and universal, and this determination must be either explicit or at least implicit in the disposition of the will. This view appears to be the more probable, for the Councils state that contrition is part of the Sacrament and must exclude all past and future sins, or remove the obstacle to the grace to be conferred by the Sacrament. This is the characteristic of universal and efficacious sorrow alone. Furthermore, the Councils make no distinction between what is required for validity and what for sacramental effect. Consequently, where sorrow inadvertently does not include one of the qualities necessary for the effect of the Sacrament, there is probably no Sacrament conferred and it cannot revive. But the sins confessed in such a confession would be forgiven either by perfect contrition or by a subsequent valid confession or by another Sacrament received with attrition.

As a matter of practical import, penitents should always be urged to make an act of sorrow before absolution based on a universal motive. After confession made in good faith without sorrow that is sufficiently efficacious or universal, the obligation of repeating the confession need not be imposed owing to the probability that the Sacrament may have been validly though unfruitfully received.

CHAPTER XII

THE PURPOSE OF AMENDMENT

SECTION 1. The Purpose of Amendment for Mortal Sins

THE purpose of amendment is the serious will not to sin again. It may be explicit, if formulated separately from the act of sorrow ; it is implicit if included in the act of sorrow. A purpose of amendment in respect of mortal sins is essential for justification. This purpose of amendment must be firm, universal and efficacious.

1. Firmness

It is firm, when the penitent seriously wishes to avoid sin, to take the means to do so, and to be prepared to endure any evil rather than offend God. It is the present determination that matters, not subsequent success. The determination must, therefore, be a present act of the will to turn away from sin if the temptation to sin were now presented. Penitents fail to keep their resolutions, but frailty does not prevent the will not to sin from having been sincere. Frequent relapses due to weakness, the certain conviction that the same sins will be committed again, despair of success against vehement temptation, the knowledge that inveterate habit will assert itself and make sin certain, these do not necessarily preclude a firm purpose of amendment. When penitents despair of emendation, they must be disposed by the confessor to promise to do what, with divine grace, they will be able to do. Even if they cannot promise so much, it may be suggested to them that if they would not at the moment of confession commit a sin they have sufficient disposition for absolution, and that the grace of the Sacrament will give them new strength, as it is intended to do. The failure of penitents is largely due to want of trust in God. They may, therefore, be told to recite a short act of hope daily. If a penitent falls into the same sins at once after confession, without any obvious

attempt to resist temptation, this would normally be a sign of want of determination, when the temptation is not due to sensitive passion but to deliberate exposure to occasions of sin. A man carries his passions with him and they are ever clamouring for satisfaction, but free occasions of sin have to be sought, and there is the less excuse if sin is then committed.

2. Universality

The purpose of amendment must be universal in respect of the avoidance of all mortal sins. Where a penitent confesses his mortal sins and elicits a particular determination to avoid them, without any even virtual determination in respect of all mortal sins, some few authors maintain that this is sufficient. It may be so, more especially if it is joined with the habitual aversion from all mortal sins, but the view is not generally held and should not be practically adopted.¹ It is certainly sufficient to formulate a general determination to avoid mortal sins ; one need not descend to particulars, though a confessor may rightly insist on a specific determination to preclude some particular scandal or to urge definite restitution.

3. Efficaciousness

The purpose of amendment must be seriously made, and efficacious to the extent of taking all necessary means to avoid sin in future ; it must include the determination to make necessary reparation, if and when possible, and to avoid free occasions of sin. A confessor can judge of the nature of the penitent's purpose of amendment by inquiring what steps were taken after the preceding confession to avoid sin. Though relapse into sin does not necessarily betoken want of serious wish to amend, neglect of the obvious, easy and necessary means usually does so. When an act of true contrition is made, it virtually includes a purpose of amendment. If the contrition was based on a particular motive and directed only to a particular sin, the purpose of amendment will have to be explicit and particular.

¹ cf. Verm., III, n. 578.

It was a matter of dispute whether or not an explicit purpose of amendment is necessary if a penitent considered his subsequent life, with its temptations to and occasions of the sins which he confesses, and the danger of relapse. Most modern authors think it is not, because the act of necessary and true sorrow in confession, based on a universal motive, excludes all will to sin, and every sincere act of hatred of mortal sin certainly sufficiently includes all will to avoid every mortal sin. If an explicit purpose of amendment was ever necessary, it is not credible that the Council of Trent should have omitted to make separate mention of it. It defined contrition formally and explicitly as grief of soul and detestation of sin committed, together with a determination not to sin again.¹ When, therefore, a penitent makes an act of sincere sorrow during confession, the confessor need not fear the want of serious purpose of amendment. Nevertheless, penitents should be exhorted to make an explicit and formal purpose of amendment and confessors may rightly exact it.

SECTION 2. The Purpose of Amendment for Venial Sins

The purpose of amendment for venial sins confessed must be firm and efficacious but need not be universal. A venial sin is not forgiven if a penitent is willing to commit it again, for in that case there is no real sorrow for it and the will remains attached to it. Consequently, if only venial sins are confessed, true sorrow and a purpose of amendment must be elicited for at least one of them, otherwise the confession is sacrilegious. If some venial sins are confessed, whereas others are consciously omitted, both sets will be forgiven if the sorrow is universal; if it is particular and extends only to the former, they alone will be forgiven. Penitents are, however, sometimes under the impression that all venial sins should be confessed. There is no need to retail a very lengthy list of venial sins in each confession; it is much better to confess a few venial sins,

¹ Conc. Trid., s. 14, ch. 4.

to which one is particularly liable, and to make a general act of sorrow for all venial sins. Confession would be valid if, for example, only one venial sin of theft were confessed, whilst other venial sins of theft were consciously not confessed. But the penitent would have to remember that he is obliged to make restitution even for venial thefts. It is sufficient also to have sorrow for one's frequent lapses into venial sin and a determination to diminish that frequency. If it should appear impossible to avoid all venial sins, nevertheless, the determination not to sin again even by one venial sin, so far as human frailty permits, is a good purpose of amendment.

CHAPTER XIII

CONFESSION

SECTION 1. The Qualities of Confession

CONFESSION must be truthful, secret, oral and complete. There are many other qualities of a good confession, which result from the very nature of it and need not be dwelt on here.¹ The four qualities mentioned above call for special treatment.

1. Truthful

Confession must be made with complete truthfulness. This is essential to validity of absolution in necessary matter but not always in such matter as need not be confessed. When, therefore, a mortal sin has to be confessed, a lie concerning it, as, v.g., to deny that it was committed or to conceal it without sufficient reason, or to say that it was not deliberate if it was, is a grievous sin and a sacrilege. It is also a grievous sacrilege to gloss over a mortal sin so that it may appear to be venial, or to reply untruthfully about sins already forgiven if the confessor has a right to ask a question of great importance. Penitents may not, however, easily realize when a confessor has such right. It is a grievous sin to confess grave sins that have not been committed so as to deceive the confessor in a grave way. It is also sinful but not necessarily gravely so, to lie concerning light matter that is not necessary for the confession. Hence a lie concerning a circumstance irrelevant to confession or about some venial sin—if sufficient matter is already confessed—is not a grave sacrilege. The lie itself may be grave or light in accordance with circumstances. False accusation of venial sins, if no sufficient matter is confessed, renders the Sacrament invalid, and the lie is then sacrilegious.

¹ cf. S. Th., *Suppl.*, q. 9, a. 4 :

‘ Sit simplex, humilis confessio, pura, fidelis,
Atque frequens, nuda, discreta, libens, verecunda,
Integra, secreta, lacrymabilis, accelerata,
Fortis et accusans, et sit parere parata.’

2. Secret

Confession must be secret, that is, so made to a confessor that it cannot be overheard by others. This is now the common practice of the faithful. No one is obliged to make confession publicly ; if confession has to be made in public, as might be the case before a battle or in a crowd, signs are sufficient without any specific accusation. No one is obliged to use the services of an interpreter, though they may be used if desired (c. 889, 2). Missionaries may advise their neophytes to confess some sin through an interpreter, if the native language is not understood. The wise confessor will see that the confessional is sound-proof. Carelessness in this matter keeps people away from confession. Though the priest is bound to observe secrecy, a penitent is not so bound. Therefore, a confessor will never say in the confessional what he would not care to be divulged. Confessors should also moderate their voices. Loud speaking in the confessional creates an impression unfavourable to a penitent.

3. Oral

Confession should be oral if possible. Want of this quality will not render confession invalid, for sins can be expressed by signs or writing. Oral confession is in accordance with the practice and custom of the Church ; it is, therefore, a law which obliges unless there is a sufficient reason for exemption, such as excessive shame or physical impediment, or stammering and dumbness. Confession is sufficiently oral if the list of sins is written out and presented to the confessor with some such phrase as : " I confess these sins," or if a penitent says : " I now confess what I have already told you out of confession." There is no obligation to offer a written confession. A dumb penitent may be absolved after he has made any sign of confession and contrition, as by beating the breast or bowing the head. A written confession may be useful and helpful in cases of general or annual confession, but the habit of confessing by writing should be discouraged, since it is apt to lead to scruples, and may foster them.

Confession may indeed be made by letter, but it must be personally and orally expressed in presence of the confessor. Confession can be made through the telephone, but it must, as in the previous case, be personally or orally expressed, at least in summary, in presence of the confessor. There is no moral simultaneous presence between persons at the two ends of a telephone ; it is, at best, doubtfully sufficient presence.

4. Complete

Confession must also be integral or complete.

1. It is materially or objectively integral when all mortal sins that have been committed but not yet submitted for direct absolution are confessed. It is formally or subjectively integral when all mortal sins, not yet submitted for direct absolution, which a penitent can and must confess here and now, are in fact confessed.

It is clear that formal integrity is always necessary in the case of mortal sins, that is, all mortal sins committed and remembered, which a penitent can and must confess, must be confessed in one and the same confession. It is also clear that material integrity is not possible, when it is not either physically or morally possible to confess all mortal sins committed and not yet submitted for direct absolution. But deliberately to omit confessing even one mortal sin that could and ought to be confessed renders the Sacrament invalid.

2. In order that a confession may be complete it is necessary that all mortal sins committed after Baptism and not as yet directly submitted for absolution should be confessed, that they should be confessed in terms of their respective theological and moral species, that their whole number should be confessed, and that the external act should be confessed.

All mortal sins, as explained above, must be confessed. This is an obligation of divine law. Venial sins need not be confessed, for they can be forgiven without the Sacrament. In cases of a doubt that is probable and positive, there is no obligation, as will be explained later. Mortal sins that

have been forgiven by an act of contrition, or by reception of another Sacrament with at least attrition, still remain the necessary matter of confession ; they must be submitted to the Keys, not for absolution, for they are already forgiven, but that the divine precept may be fulfilled. They are said to be directly submitted for absolution, but more accurately they are submitted to the Keys of the Church. They are not again absolved, but the absolution bestows sanctifying grace, which is the effect of this Sacrament.

SECTION 2. Confession of Mortal Sins

1. Species of Mortal Sins

Mortal sins must be confessed in terms of their theological and moral species. Sins are differentiated theologically according to their gravity into mortal and venial sins. They are differentiated morally according to their opposition to different virtues or violation of specifically different laws or obligations of the same virtue. Mortal sins must also be confessed according as they are differentiated in the lowest categories or ultimate species. Thus, a mortal sin may be committed against chastity or justice, but these are general categories. The precise species of the sin against each of these virtues must be confessed, if the precise species is grave. Thus, adultery, fornication, and obscene conduct are all contrary to chastity, but in different ways ; theft of church property is not mere theft ; parricide is not merely homicide.

If a penitent does not remember the precise species of a mortal sin committed, he is nevertheless bound to confess the mortal sin in general ; if, afterwards, he remembers its precise nature, he is bound to confess it as it was. But if, in sinning, a penitent did not apprehend the specific grave species, he need confess only what he apprehended as grave. Confessors are not obliged to go into minute details as to species of sins which a penitent cannot understand. It is rarely, and only with the well-trained, that a confessor need ask about the particular species of mortal sin that are obvious only to the trained theologian.

2. Number of Mortal Sins

The exact number of mortal sins must be confessed, if remembered. Confessors should require penitents to be reasonably precise in these matters, for a perfunctory confession of, for example, frequent omission of Sunday Mass is not sufficient. If, however, the exact number cannot be remembered, an approximation to it should be confessed. Thus, a penitent should confess missing Mass about five times if he thinks that number an approximation. If, afterwards, he remembers the exact number, and if it considerably exceeds the approximation, he must confess the excess. If he confessed a greater number of mortal sins than those committed, he need not correct his mistake. There is no strict numerical approximation necessary, but authors generally consider that the confession of approximately three sins includes a fourth, approximately ten include twelve. Numbers, however, are ordinarily easily remembered by careful penitents ; they are easily forgotten by negligent Catholics who make only an annual confession. A number sometimes exercises a fascination over a penitent ; such a one must be supposed to be incapable of being exact. In cases of habitual sin, when no number can be specified, it is sufficient to confess the habit of sin and the roughly approximate number of sins committed each week or each month. This is a better way of confessing than to attempt to find out beforehand, with infinite anxiety, exactly how often certain sins have been committed. When, in one and the same confession, a penitent tries to remember such numbers as twenty, forty-five, fifty, to take only a simple case, it is obvious that his examination of conscience has been a sort of harrowing of the soul. Sometimes, however, the habitual sinner may not remember the frequency of his falls each week or month. It will be sufficient to explain his manner of living, the length of time since his last confession, the kinds of sins which he commits.

Furthermore, habit sometimes induces material transgression, as in blasphemy and fits of violent anger, where passion prevents advertence to each separate sinful act.

Confession of the habit is then sufficient, for usually there is not a sin in each act, but the sin consists in not trying to put away the habit.

3. Confession of Circumstances

Serious differentiating circumstances must be confessed. Such are those circumstances which add a new malice to an act whose object is already a sinful one. Thus, the circumstance of marriage makes adultery virtually a twofold sin, namely, an act of unchastity and of injustice; theft of church property is contrary to justice and religion. Both the canons (c. 901) and the Council of Trent explicitly prescribe the confession of circumstances that add a grievous malice to an act.¹ The Council of Trent gives the reason, namely, that without the circumstances, the sin cannot be fully confessed by a penitent nor completely understood by a confessor, nor can the gravity of the sin be measured, nor the fitting penance imposed.

Circumstances that only notably aggravate or diminish a sinful act need not be confessed, for both the Council of Trent and the canons mention only those circumstances which change the species of a sin. Therefore, such circumstances as the duration of a sinful act, the vehemence of it, do not specifically change a sin and need not be confessed when the sin itself is confessed. But penitents do, as a fact, confess these circumstances, and they may be well-advised in doing so, for a protracted act of sin may easily be so interrupted as to develop into several distinct sins, and the vehemence of hatred, for example, may easily result in a succession of mortal sins.

A circumstance of a sinful act may change the species of the act in several ways. Thus, grave scandal may be given by a slight sin, and an erroneous conscience may change what is in itself a venial sin into a mortal sin. The circumstance of the kind of person who sins, as one under vow, one who is married, or one who has official care of another, may easily change the character of a sin. The circumstance of the kind of person sinned against may also

¹ Conc. Trid., s. 14, ch. 5.

change a sin, as in the case of sins against parents, Superiors, wards. The circumstance of place, of sacred time and of motive may change the character of sins. The circumstance of sacredness in a consecrated object, as in consecrated churches, sacred vessels, altars, vestments, church property, changes the nature of the sins of misuse, contempt, or theft of these objects.

The following cases of specific circumstances are noteworthy :

The violation of the immunity of churches and the performance of actions therein that violate the sanctity of a church are sins against religion. Grave irreverence shown to feast days, as when impious pageantry is held on the great feasts out of contempt of what is sacred, is sacrilegious. Sins against parents are specifically different from sins against others, such as the sins of hatred, contumely, calumny, detraction, and sometimes of theft, if parents are thereby reduced to a state of grave need. Sins by parents against their children are also different from sins against others, by reason of special ties and the duty of love and guardianship. Sins against a brother or sister, if very serious, are distinct from the same sins against others in remoter relationship. Sins contrary to the clerical or religious state, as the striking of a cleric or a Religious, sins with or by them against their vow of chastity, are personal sacrileges. Co-operation in sin with those under one's charge is a special sin against piety. Thus, sins of parents or guardians, of parish priests, ecclesiastical Superiors, confessors, with those under their direct charge, and in such a way as to violate their specific duties to their charges, have a specific malice.

4. Confession of the External Act

That confession may be complete, it is necessary to confess the external act of sinning and not merely the sinful internal act of the will, for such is the universal custom of the Church, without it no confessor could judge of the obligations of a penitent, and it is the external sinful act which is forbidden by God. When God forbade the doing

of murder and stealing, He forbade the external act of injustice. To confess that one willed murder or theft is not to confess the external sin if it actually took place.

5. Confession of the Effect of an Act

The subsequent effect of a sinful act, which takes place when the will has ceased to act, need not be confessed, because effects are not sins. One who has set in motion a sinful cause and then desists, does not actually commit sin when the effect ensues. This is true also when the effect is, materially viewed, a different sin, as if one foresaw that Sunday Mass would be missed in consequence of intoxication the night before. Such an effect is indeed voluntary in its cause but not when it happens. It is sufficient, therefore, to confess the cause with the prevision of the evil effect. When, however, an effect carries with it a censure, a reservation, or irregularity, the effect must be confessed, but the obligation is due to positive law. It was held as probable by S. Alphonsus and others that an evil effect must be confessed if the malice of the will in moving the cause persisted when the effect happened.

6. Indiscriminate Confession

Time does not necessarily appertain to the integrity of confession. In a general confession, therefore, recently committed sins may be indiscriminately confessed with sins already forgiven, even though this is done to conceal the time of sinning. It is probable that a recently committed sin untruthfully confessed as though committed a long time ago does not invalidate the confession ; the lie is probably a venial not a mortal one. But to confess all recent unforgiven mortal sins as though they had already been confessed appears to be a grievous sin, and the confession would be therefore invalid, since the confessor is deceived in a serious matter, his judgment is perverted, and a serious penance is evaded. If this was done in good faith, no sin is committed, and the confession is valid.

The confession of all mortal sins to one confessor and of venial sins to another, in this priority, is valid and it would

be lawful for a good reason. If a penitent has a legitimate reason for not confessing a given mortal sin to a confessor, he may, of course, get indirect absolution for it and confess it afterwards to another confessor.

7. Confession of Doubtful Sins

In cases of doubtful sins, the following rules are given :

1. When a penitent seriously doubts about his having committed a mortal sin, he need not confess it.

2. When he seriously doubts about its gravity, he need not confess it. In both cases, the obligation being doubtful does not bind.

3. When a penitent has certainly committed a mortal sin but seriously doubts whether or not he has confessed it, he need not confess it. The obligation is doubtful.

4. When a penitent has only a slight doubt about the fact of a mortal sin committed, but has no solid reasons for thinking the contrary, he must confess the sin, for he is practically certain that he committed it.

5. When a penitent begins to doubt about the confession of a certainly committed mortal sin, and has no solid reasons either way, that is, in his own favour or against himself, he is bound to confess it, for the obligation of confessing it is practically and morally certain. If, however, his negative doubt concerned the gravity of the sin, it is very probable that he need not confess it, for it is a doubtful not a certain sin.

Although the foregoing statements are theoretically true, in practice a confessor would give varying advice. Ignorant and very uneducated penitents would be obliged to confess doubtful sins ; scrupulous penitents would not ; those who are normal would be advised but not obliged to confess them. The lax who doubt about their full consent to mortal sin may usually be presumed to have given consent, not so the fervent ; the scrupulous should be forbidden to confess, the normal may be advised but not obliged to confess.

When a penitent discovers later that a mortal sin confessed by him as doubtful was certainly committed, he is probably not obliged to confess it again. It was certainly forgiven,

it was confessed as it existed in his conscience, and since, in the case of an inexact but approximate number of sins having been confessed, the additional sin, if discovered later to have been certainly committed, need not be confessed, so, too, in the present case, the sin confessed as doubtful need not be again confessed. The solution of the speculative difficulty would appear to be best given as follows. A penitent confessed: "I think I committed such a sin. I'm not sure. In case I did, I confess it." If the condition is verified, the sin is both confessed and directly absolved.

SECTION 3. Causes that excuse from Material Integrity

1. Physical Causes

Physical causes may be sufficient to excuse penitents from the material integrity of confession.

1. Physical impossibility, such as extreme sickness, defect of speech, want of time, forgetfulness and ignorance. The very sick and the dying are obviously excused from material integrity if they cannot confess without grave inconvenience. The confessor will, therefore, readily accept a general accusation, or the confession of one or two sins, or merely signs of sorrow. Priests without experience harry themselves and the sick needlessly, for they are not obliged to get more than the sick can give. If, after an incomplete confession, the sick person recovers, grievous sins not already confessed must be confessed, if possible.

2. Defect of speech excuses the dumb, but they should make a general acknowledgement of sin and repentance by means of signs, and they may be advised to write out their sins now and then, though there is no obligation to do so. The deaf are excused if they cannot express all their sins. The confessor is excused from putting questions in a loud voice if there is danger of being overheard. The deaf need not be taken to the sacristy if this is unusual, as it is in this country, but nowadays an ear-trumpet for deaf penitents is very commonly employed. If the penitent objects to use it, there is no obligation to do so. If it is used, the confessor should have an antiseptic cloth with which to

clean the instrument immediately after use. A slight penance should be given to the deaf where there is any danger of the words of the confessor being overheard. In case of absolute deafness, no penance can be imposed if the confessor cannot see the penitent ; if he can see him, he should indicate on his fingers or a rosary the number of prayers to be recited and allow the penitent to interpret the sign as he wishes.

3. Penitents whose language cannot be understood by the confessor are excused from material integrity, if they cannot find a confessor who does understand them. Such penitents can confess sufficiently by striking the breast. They need not put off their confession, but they are bound to confess their mortal sins afterwards. Penitents who speak in dialect or use out of the way expressions may be interrupted by the confessor and asked to express themselves differently, if they can. Many a confessor finds it impossible to understand local usages of English. Till his ear becomes attuned to it, he should ask penitents to explain themselves. Furthermore, penitents should not be allowed to whisper inaudibly nor to express themselves ambiguously nor at very great and meaningless length.

4. Want of sufficient time to confess excuses from a full confession. Such an excuse may be present in hospitals, in cases of sudden emergency, when a priest would, by making a full confession, keep the faithful waiting for Mass. It would be wrong, however, for a penitent to omit some sins in confession on the plea that crowds of penitents are waiting to confess, or for the confessor to absolve those penitents on the same plea, after such insufficient confessions. The latter practice has been condemned by Pope Innocent XI.

5. Sins are sometimes forgotten or never remembered especially in the case of those who confess rarely. If the examination of conscience has been reasonably diligent, the confession is a good one. If the examination has been venially careless, the confession is not invalid. Even gross ignorance due to past negligence will not invalidate a confession, if it is made as well as it can be made.

2. Moral Causes

Moral causes may also excuse from material integrity.

1. Any grave harm or inconvenience, certain or probable, spiritual or temporal, of oneself or of another, even of the confessor, which however, should not be lightly imagined, excuses from material integrity, that is, from the confession of those particular sins the confession of which would cause the harm. But in such cases, the penitent should be unable without grave inconvenience to find another confessor to whom to confess, and the confession should be morally necessary. Confession is morally necessary in many circumstances which need not be too rigorously scrutinized, so that even the utility of the grace of the Sacrament would be one of them.

2. The danger of scandal, incitement to sin, a fall into sin either on the part of the penitent or confessor excuses from material integrity. Thus, confessors are warned against asking questions that are not absolutely necessary on delicate matters, and they should be more ready to err by defect than by excess ; penitents must be told not to go into unnecessary details, not to confess except in broad outlines when confession of delicate matters might induce them to sin ; not to examine their consciences on such matters if they experience grave temptations thereby.

3. The risk of violating the sacramental seal excuses a confessor from material integrity in his own case, as when he cannot confess without revealing what he has heard in confession. Penitents are not bound to such material integrity when their confessor is usually or would be overheard, or when they reasonably suspect a confessor of violating the seal, a supposition not to be made without exceedingly clear grounds. Restitution or apology when imposed are not violations of the seal.

4. A penitent is excused when his confession would be overheard by others or when, in an unusual situation, a very lengthy confession would defame him in the minds of others.

5. Any grave harm, certain or probable, that would ensue from confession, excuses from material integrity, such

as contagion, loss of office, persecution by a Superior, increased or fostered scrupulosity.

All such excusing causes are extrinsic to the confession. The unusual shame that a penitent would feel in confessing to a particular confessor, owing to some accidental or external relation towards him, is considered by several modern authors to be an extrinsic inconvenience and therefore to excuse from material integrity. The matter has been treated at length above when dealing with confession before Holy Communion.¹

3. Revelation of an Accomplice

When a sin cannot be confessed without revealing to the confessor the person of an accomplice in the sin, it need not be confessed. It may be withheld for the time, until it can be confessed without fear of revelation. On this point there were and still are different opinions. Some authors maintained that the sin must be confessed, for if one's own good name has to be sacrificed, if necessary, in confession, so must the good name of another. We may reveal the person of an accomplice to one prudent counsellor for advice or comfort, much more, then, may we reveal it under the seal of confession. If we may do so, we must do so. This view, held by S. Thomas, was the common view of the older divines. Other authors maintain that the penitent is not allowed to confess the sin because there is a strict natural obligation of safeguarding the good name of another, and this obligation takes precedence of the law of integral confession, especially as the sin will be confessed subsequently. A third opinion maintains that the penitent may but is not bound to confess the sin.

In the first two views, the penitent must have some serious need of confession, for if he has not, the confession must be put off, and furthermore, it must be impossible to seek another confessor to whom the sin could be confessed without danger of the defamation of the accomplice. There are many reasons that would excuse the said penitent from seeking another confessor, amongst which may be included

¹ *Supra*, vol. III, p. 210.

the necessary annual confession, better spiritual direction, the remaining in sin for a day, the benefit of daily Communion or of an extraordinary indulgence. The penitent should, therefore, normally seek a confessor to whom he is not known and who will not know the accomplice. But the question does not arise in the case of confessing venial sins or sins already forgiven, for these need not be confessed. Furthermore, if a penitent cannot confess a grievous sin without revealing the person of a third party, not an accomplice, there is probably no obligation to confess the sin. As a fact, penitents do reveal the sins of others and do so for guidance and comfort. Unless this is really necessary, they should be told to confess their own sins only. In the case of married persons, some sins that inculcate a partner have to be explained, in order that the true doctrine of co-operation in another's sin may be taught.

SECTION 4. Omissions rectified

A penitent who has legitimately withheld a mortal sin in confession must confess that sin in the next confession unless the same circumstances excuse from integrity, but there is no obligation of going to confession merely to confess such a sin, for it has been forgiven, and Holy Communion may, of course, be received, since the penitent is in the state of grace.

It is held as probable that a penitent who has confessed, as nuns do, to an extraordinary confessor but has forgotten a mortal sin, need not, in a subsequent confession to the ordinary confessor, confess the sin if there is an invincible repugnance to doing so. The repugnance is stated to be extrinsic to confession. The penitent may wait till the extraordinary confessor is available. This view is held by a few authors, but, in practice, abuses might easily arise. It is, therefore, better to confess the sin as a sin of the past, as indeed it is.

Valid absolution remits confessed sins directly through the bestowal of sanctifying grace. As this gift of God is not compatible with the existence in the soul of any mortal sin, for a man cannot be both a friend and enemy of God

at the same moment, all mortal sins, whether confessed or forgotten or legitimately not confessed, are forgiven by valid absolution, but those mortal sins that were not confessed are forgiven indirectly, for they were not specifically and directly submitted to the Keys, nor did the absolution or judicial sentence fall directly on them, but, as it were, inclusively and concomitantly. We assume that the dispositions of the penitent were sufficient. But all mortal sins that were not confessed on a given occasion, whether through forgetfulness or for a legitimate reason, remain necessary matter for confession, and must, of course, be confessed when called to mind if no legitimate excuse avails. This obligation is derived immediately from the divine precept of submitting all mortal sins committed after Baptism to the Keys of the Church for direct remission.

But since all mortal sins are necessarily forgiven at one and the same time by valid absolution, if the dispositions of the penitent are adequate, the absolved penitent who forgot to submit or was excused from submitting one or several mortal sins is in the state of grace, and is not bound to go to confession as soon as he remembers the forgotten sins or when the excusing cause has ceased to exist, not even if he proposes to receive Holy Communion. Nevertheless, when he does confess them, he must be absolved directly, not that he may receive remission, but because judicial sentence must be directly passed upon them.

SECTION 5. Necessary Repetition of Confession

1. An invalid confession must be rectified by a good one. A probably invalid one need not be rectified, for the obligation to do so is not certain, though a penitent would be well advised to rectify it. It is stated by some authors that there need be no fear for the salvation of one who does not make good a probably invalid confession, since probably he will be forgiven when he receives Holy Communion with attrition, certainly when he makes a fresh confession or elicits an act of perfect contrition. But perhaps he will not do any of these things, and if his sins were not in fact forgiven,

he may die out of the grace of God. There is, therefore, every reason for urging such a one to go to confession to obtain the grace of the Sacrament. He is not bound to repeat sins already probably forgiven by direct absolution.

2. A confession may be invalid by reason of want of jurisdiction on the part of the confessor. If such a cause existed, the penitent would normally never become aware of it; hence the importance of eliciting acts of true contrition. Again, a confessor might conceivably make a serious error in the form of absolution or not give absolution at all through inadvertence. These are mere possibilities, and possible mistakes may occur in everything that depends on human activity, but we cannot think that God would allow a *bona fide* penitent to die out of His grace in consequence of mistakes on the part of the confessor.

3. Cases of invalid confession might arise when a penitent so expresses himself deliberately that the confessor is deceived about serious matter, or when he deliberately and in bad faith chooses a confessor who cannot hear any mortal sin confessed. Such confession must be repeated. But if the penitent made a *bona fide* confession during which the confessor, being very old or very ignorant, did not understand the gravity, species, or number of mortal sins confessed, and gave absolution, the confession is valid.

4. A confession may be invalid if the penitent had not sufficient sorrow nor any purpose of amendment, if the examination of conscience was deliberately and seriously insufficient in regard to mortal sin, if a mortal sin was knowingly withheld without sufficient excuse, if an excommunicate wished in bad faith to be absolved from sin but not from the censure, if a deliberate lie is told about a serious matter that had to be confessed.

Such reasons as the above are, we believe, rare, but a not very uncommon case may arise when a penitent, owing to an erroneous conscience, thinks that to conceal a venial sin in confession is sacrilegious. If the sacrilege was intended, the confession is, of course, invalid, and it must be made good.

5. An invalid confession in the case of mortal sins must

be repeated entire, if another confessor is sought. If the same confessor is approached, it is sufficient to confess the invalid confession, and those mortal sins that were omitted, together with any others since committed, without repeating the whole past confession if the confessor remembers it sufficiently ; if he does not, a summary confession would be enough, so that the confessor may remember at least confusedly. When a penitent has made a bad confession deliberately, and has been to confession afterwards, unmindful of the sacrilege, the latter confession is valid and the sacrilege is indirectly forgiven, but the sacrilege must be afterwards confessed. The intermediate confession or confessions need not be repeated.

Pastoral Notes

1. Apprehension that bad confessions have been made arises usually from over-anxiety about the past. A penitent may think that he concealed sin all through his youth and never made matters right, or that he confessed as venial what was mortal, or that he was ashamed to explain his sins, or doubted about his examination of conscience or his sorrow, or misled the confessor, or did not perform the penance given. No general rule can be given for the treatment of such various cases. A general confession may be advised, but on condition that the matter is not referred to again and that general confessions do not become habitual.

2. It is important to observe that sin is sin when it is committed. A sinner is judged by the kind of conscience he had at the time of sinning. Subsequent clearer knowledge does not affect the past. Past sins are not judged again by God. A valuable question to ask penitents who fear that they have made a sacrilegious confession is, "Did you wish to make a sacrilegious confession?" The usual answer is, No. But their subsequent confessions may have been sacrilegious due to their mistake in thinking that they actually did make a bad confession. The wise confessor will put the matter right once for all, and will forbid the penitent to go back on the subject in future confessions. But he must be very emphatic, otherwise such penitents sometimes

remain in their disturbed state which becomes worse the oftener they are allowed to refer to the past. Entire confidence in the confessor's judgment is necessary, but in such cases it is rather rare.

3. Very uneducated penitents will express themselves in general terms, mentioning neither circumstances, species, nor number of grievous sins. They are, as a rule, incapable of fuller confession. Assuming that their confessions are made in good faith, the absolution given is more probably direct and the confessions are complete. Nothing need be repeated. A confessor may rightly ask the number of grievous sins committed, but he need not trouble about species unless the sin is very grave and obvious even to the untrained intellect.

SECTION 6. The General Confession

A general confession is a confession of all the sins of the past or of a certain period of life. Such a confession may be necessary, or useful, or harmful.

1. A general confession is necessary in cases where a grievous sin was wrongly concealed in confession, or when culpable and gross negligence in necessary examination of conscience existed, or where a confession was invalid for want of sorrow. This general confession must include the original bad confession and all intermediate confessions if they also were sacrilegious. A penitent who wishes to make a general confession should be asked how often he makes such confession and why he wishes to make one now.

A general confession is to be advised, though not imposed, in the case of a penitent who reasonably doubts about the validity of past confessions. It may be advised for those who will derive great profit from it. It may be permitted if it is even moderately useful. It must be forbidden for the scrupulous and the over-anxious and where harm would ensue from it.

2. A general confession is certainly useful for a more intimate knowledge of oneself, for the increase of sorrow, hatred of sin, mental peace, hope, confidence and charity. It is especially useful at times of missions, retreats, jubilees,

spiritual exercises, for those who have never made a general confession. It is valuable also to those who wish to break with a sinful past and begin afresh, for those who are entering upon a new state of life, as marriage, religion, the priesthood, for the sick and the dying, if it is thought prudent. It is helpful to make general confessions from the former general confession, at stated intervals, such as a year or two years or even longer. A confessor should never impose a general confession that is not necessary nor elicit one on the plea that a new penitent should be known to his new director. He should not at once decline to hear a general confession nor allow one without a good reason.

3. When a general confession is made, it should be made carefully, rather fully, after a diligent examination of conscience, sometimes extending over days. The confessor will allow the penitent to confess in his own way to the end, without interruption or questions. When a penitent repeats the same sin or circumstances he must be told not to trouble about those any more. If the penitent is exceedingly verbose and irrelevant, he should be gently told to be simple and brief and to omit details. If the confessor is requested to help the penitent he will ask in what way he is to help, especially on what Commandments or duties, and he will then proceed in an orderly way, making his questions very simple and direct, without verbiage or circumlocutions, avoiding theological terminology, speaking always in accordance with the intelligence of the penitent. Since there are very many different classes of penitents, no general method of questioning can be suggested. Questions that may be put to persons of little education and refinement could not be put to the refined. The following scheme of questions may be useful both for times of missions and to serve as a general scheme from which to choose those questions that may prudently be asked. The general scheme which a confessor may retain in his memory as a guide would include the following : The state of life of the penitent ; the Commandments of God ; duties of state of life ; the laws of fasting and abstinence and annual confession and Holy Communion ; some of the deadly sins,

as intemperance, sloth ; the virtues of Faith, Hope and Charity.

4. The particular points in the scheme may be illustrated as follows, and after inquiry into the state of life of the penitent, his occupation, his home, his family, questions on some of the following may be asked :

Prayers, frequentation of the Sacraments.

Cursing, swearing, oaths, blasphemy, vain use of God's name, vows.

Servile work and attendance at Mass on Sundays and holy days of obligation.

Duties of parents to children : care of their education, physical, intellectual and religious ; children's companions and recreations. Duty of husband : peace, love and concord, extravagance, duty of correction. Duty of wife : care of children, peace, love and concord, extravagance, respect for husband. Duties of children : respect, honour, love, obedience towards parents, assistance of parents in want ; care of and good example to younger brothers and sisters. Duties of servants : honest work, care of what is entrusted to them, honesty in money matters.

Hatred and revenge, quarrels, fighting, calling opprobrious names, striking, wounding, killing, scandal.

Evil thoughts, desires, reading, conversation, looks, consent to sexual movements, external sin against chastity either alone or with others of the same or opposite sex, with persons closely related or under vow, or under guardianship. Reading of dangerous books, attendance at improper dances, plays, shows. If married, the right use of marriage.

Theft, co-operation in theft, receiving stolen goods, dishonesty in business, damage to property, waste of what belongs to another, violation of contracts.

Lying, detraction, calumny, revelation of secrets.

Unjust desire of the goods of others, envy of the success of others.

Particular duties of state of life, if not included above ; such as the duties of trustees, solicitors, barristers, doctors, nurses, guardians, teachers, directors of companies, shareholders, public officials.

The laws of the Church, especially those of fasting and abstinence, when possible, and attendance at Mass on Sundays and holy days of obligation, hearing necessary instructions, support of pastors, annual confession and paschal Communion, membership of forbidden societies.

Intemperance in food and drink, sloth in work and spiritual duties. Doubt or denial of any article of faith ; taking part in heretical services or reading heretical books. Presumption of God's mercy by living in grievous sin, despair of God's mercy. Fatalistic views of damnation.

Hatred of God or one's neighbour, neglect of the duty of almsgiving.

SECTION 7. The Examination of Conscience

1. In the case of persons who have not confessed for a long time, there is normally a serious obligation of examining the conscience for the sake of the integrity of confession. Those who frequently confess remember their sins, and the obligation for them is not grave, nor is it grave for people who never commit mortal sins. The scrupulous should be content with the briefest examination of conscience ; five minutes are sufficient. If they are known to a confessor, he may rightly tell them to omit the examination of conscience altogether.

The examination of conscience should be a diligent one (c. 901), but not excessively so. Ordinary diligence is sufficient, such as one would apply to the ordinary affairs of life. Thus, the ignorant and uneducated need not be so minute in their examination as the learned and the trained thinker. Those exposed to many temptations should examine their conscience more carefully than those who lead a sheltered life in peaceful or holy surroundings. The sick, if very disinclined to examine the conscience, may rely on the confessor's help. The difficulty some feel who do not frequent the Sacraments is not merely one of confessing, though this is indeed great, but is also one of facing the facts of their careless lives. Such people are, therefore, to be treated with great kindness. The pastor will occasionally

teach his people how to make an examination of conscience. But even after it has been made, the lax Catholic is very apt to forget the sins discovered, so that the difficulties inherent in confession are to them so great that they give it up altogether. To obviate this laxity, the pastor will insist on the importance of both Sunday Mass and of confession. It is obvious to every pastor of souls that if these two duties are fulfilled, there will be few lax Catholics in his congregation.

2. A written list of sins is useful sometimes, but writing cannot be imposed. It is a help to those who have very poor memories and to those who find a great difficulty in confessing certain sins. The examinations of conscience of prayer books are useful for the educated and perhaps for lax Catholics. Children should never use these lists in sins, for they will confess sins which they have not committed. If a lax Catholic can remember the Commandments of God and of the Church, chiefly fasting and abstinence, a few of the deadly sins, as pride and intemperance, and the duties of his state of life, such as the duties of employers, workmen, parents, children, husband and wife, that general scheme will be sufficient.

3. Quite a short time is sufficient for the examination of conscience. After about twenty minutes, at most, has been spent by those who have been absent from the Sacrament for a long time, confession should at once be made. The penitent should be told that all sins are forgiven, that if any mortal sins now unconfessed are afterwards remembered, they should be confessed on the next occasion of going to confession.

Very careless examination of conscience is not common. If very little diligence is used when a considerable amount is necessary, a grave sin will be committed if the negligence is deliberate. Thus, understatement of the number of grievous sins that is due to careless examination of conscience, may be a grievous sin and must be confessed, if deliberate. When a penitent's examination of conscience has been obviously insufficient, we believe that he should not be dismissed, but the confessor should ask questions and after

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confession give a gentle exhortation to greater care. In a very rare case, the penitent might be sent away in order to spend some time in examination of conscience. But the risk is usually too great, for the habitual sinner may not return.

CHAPTER XIV

PLACE AND TIME OF HEARING CONFESSIONS

(cc. 908—910)

THE fitting place for hearing sacramental confession is the church, or a public or semi-public oratory, for Penance is a Sacrament and should normally be administered in a sacred place. But the rule need not be urged too strictly since former discipline and present practice permit the use of the sacristy and even of private rooms in the case of men's confessions (c. 910).

The confessional for hearing the confessions of women should always be situated in an open and conspicuous position and generally in a church, or public oratory or a semi-public oratory that is reserved for their confessions. The difficulty of having a separate place for women's confessions is solved by men and women confessing at different sides of the confessional. But even this distinction may be found impossible to observe, and in this country the one place usually serves for all penitents. With legitimate permission of the local Ordinary the sacristy or a room contiguous with the church may serve as a confessional. In convents, the better arrangement seems to be that the penitent should enter from the chapel and the confessor should be in a room with an entrance into the chapel. A screen in a sacristy between confessor and penitent may serve as a temporary expedient with legitimate approval. It is to be observed that the place for confessions of nuns in their convent must be decided by the local Ordinary.

The confessional should be supplied with a grating, permanently fixed. The meshes should be small, not larger than a small ring that would fit on a normal ring finger.¹ In many places a curtain is fixed over the grating. It may be drawn aside in the case of deaf penitents so that the

¹ The prescription of the canon (c. 909, 2), that the confessional should be fitted with a fixed grating with small perforations applies to all penitents, without prejudice, however, to the permission given (c. 910, 2) that the confessions of men may be heard also in private houses (P.C.C.J., Nov. 24, 1920).

confessor may the more easily indicate the penance imposed.

Confessions of women should not be heard outside the confessional, except in case of sickness, or real necessity, and then with all the safeguards that shall be judged opportune by the local Ordinary. In view of this canon, women's confessions should never be heard in the parlour of the presbytery.

Confessions of men may be heard in a private room, but if there were any reasonable danger of scandal they should be heard in the confessional. A private oratory could also serve for men's confessions.

Confessions may be heard at any time. The practice of not hearing them on Good Friday has been condemned. The hours of hearing confessions should, if possible, be so arranged as to allow penitents to return home before night-fall. In cities this would doubtless be inconvenient and not so necessary, but in country places it is altogether desirable. Children should be dissuaded from coming to confession during the evening, a time that ought to be reserved for adults.

In hearing confessions the confessor should wear cassock, cotta and purple stole in accordance with the ritual. The Rubric is directive since it contains the words: "As time and local custom shall direct."¹ Confessors who are Religious have the privilege of dispensing with the cotta. Where confessions are heard in the church outside the confessional, the use of a cotta is the more becoming since it adds to the solemnity of the Sacrament.

¹ *Rit. Rom.*, tit. iii, c. 1, n. 10.

CHAPTER XV

DE ABUSIBUS SACRAMENTI PŒNITENTIÆ

SECTIO 1. De Abusibus Sacramenti Pœnitentiæ in Genere

Ut in omni commercio humano homines pravi inveniuntur qui bonos mores corrumpere conantur, ita et in Sacramento Pœnitentiæ abusus irrepserunt. Quum ex una parte, confessarii indigni inventi sint qui hoc mirabili peccatorum remedio abutentes pœnitentes suos ad peccata sollicitare ausi sint, ex altera autem parte, homines, ausu nefario, confessarios innocentes falso crimine sollicitationis accusare haud veriti sint, Sancta Mater Ecclesia ad hæc damna præcavenda atque punienda per Summos Pontifices leges tulit severissimas. Insuper, quum aliqui sacerdotes, sive pravitate moti sive humanæ fragilitatis impulsu post peccata inhonesta cum aliis patrata, suos in crimine socios absolverent, item Ecclesia contra istos confessarios severissime agit, eos jurisdictione sacramentali privando.

Hic ergo erit rei tractandæ ordo, scilicet, primum de sollicitatione agemus, tunc de falsa delatione confessarii innocentis, tertio de absolutione complicitis in peccato turpi.

SECTIO 2. De Sollicitatione

1. Sollicitationis sensus

Sollicitatio hic in sensu technico sumitur, scilicet, sollicitatio ad turpia peccata sive feminæ sive maris a sacerdote facta qui confessarii vel partes vel speciem agit.

2. Progressus legislativus

Papa Pius IV (1561) in Epist. *Cum sicut nuper* Inquisitores in Hispania contra confessarios qui mulieres ad turpia in actu confessionis sollicitaverant legali processu procedere jussit, illosque degradatos ad tribunal sæculare remittere. Mox ad Portugalam disciplina extendebatur a Papa Paulo V, et marum sollicitationis reos in confessionali

cūam nulla confessione peracta similiter damnavit. Papa Gregorius XV in Constitutione *Universi* (1622), ad totam Ecclesiam legem extendit, obligationemque in pœnitentem sollicitatum confessarium denuntiandi imposuit. Quin etiam varia elementa ita addidit ut vel speciei sollicitationis sive intra sive extra confessionale reos legi subjiceret. Ab anno 1624 ad annum 1628 Sacra Congregatio Sancti Officii plura decreta edidit quibus legem vel amplificavit vel authentice interpretata est. Insuper Papa Alexander VII (1660) statuit confessarium sollicitantem denuntiandum esse etiamsi nulla præmissa fuisset fraterna correctio, qui etiam duas propositiones circa denuntiationis evasionem damnavit. Ab anno 1677 ad annum 1726 alia decreta edidit S.O., atque vim legis magis enucleavit, et tandem Papa Benedictus XIV Constitutionem *Sacramentum Pœnitentiæ* dedit (1741) quæ totam legislationem in unum collectam verbis clarissimis simulque maxime severis expressit, addiditque Constitutiones *Etsi Pastoralis* et *Apostolici muneris*. Exinde S. Pœnitentiaria, S.C. de P.F., S.O., et Const. Papæ Pii IX (1869) *Apostolicæ Sedis*, modum judiciale contra reos procedendi exposuerunt ita ut omne effugium sive a parte sollicitantis sive a parte personæ sollicitatæ respectu obligationis denuntiandi resectum sit (cf. notæ in *Cod. Juris Can.*, ad c. 904). Unde hodiedum canon 904 statuit sollicitatæ personæ obligationes esse prout expositæ erant in Constitutionibus Apostolicis et nominatim in Const. *Sacramentum Pœnitentiæ* Papæ Benedicti XIV. Hinc ut intelligatur quid sit illa sollicitatio technica, de qua est quæstio, per capita exponere istam prædictam Constitutionem necesse est.

3. Summarium Const. Papæ Benedicti XIV

1. Omnes sacerdotes tam sæculares quam regulares quomodolibet exempti huic legi subjacent.

2. Peccatum de quo est quæstio est sollicitatio vel provocatio ad inhonesta et turpia contra sextum Decalogi præceptum.

3. Sollicitatio fieri potest sive verbis, sive signis, sive nutibus, sive tactu, sive per scripturam aut tunc (in ipsa confessione) aut postea legendam, sive sermones illicitos et

inhonestos cum eis (*scil.*, pœnitentibus), vel tractatus inhonestos temerario ausu habendo. Intelliguntur sermones de colloquiis simpliciter turpibus ; tractatus vero inhonesti intelliguntur de condicto aut pacto circa aliquem actum inhonestum postea patrandum.

4. Occasio sollicitationis assignatur, scilicet, vel in actu sacramentalis confessionis, vel occasione aut prætectu confessionis, vel etiam extra occasionem confessionis in confessionali sive in alio loco ad confessiones audiendas destinato aut electo cum simulatione audiendi ibidem confessionem.

5. Si qui inventi sint culpabiles in aliquo ex hujusmodi nefariis excessibus, in eos pro criminum qualitate et circumstantiis per condignas pœnas severe animadvertant locorum Ordinarii.

6. Datur facultas ob probationum defectum, cum testibus etiam singularibus contra eos procedendi dummodo præsumptiones, indicia et alia adminicula concurrant, ne delictum tam enorme et Ecclesiæ Dei injuriosum remaneat.

7. Insuper, confessarii tenentur suos pœnitentes ab aliis sollicitatos sedulo monere de obligatione denunciandi personam quæ sollicitationem commiserit, etsi sit sacerdos carens jurisdictione, etiam etsi sollicitatio fuerit mutua, et sive pœnitens sollicitationi consenserit sive non, vel etiamsi longum tempus post sollicitationem effluxerit, vel etsi sollicitatio a confessario non pro se ipso sed pro alia persona peracta fuerit.

8. Pœnitentes sollicitati ne absolvantur nisi prius denuntiationem ad effectum perducentes delinquentem indicaverint competenti judici, vel saltem se, cum primum potuerint, delationes facturos spondeant.¹

4. Delictum sollicitationis

1. Peccatum de quo in casu est sollicitatio vel provocatio ad peccatum contra sextum Decalogi præceptum, sive maris, sive feminæ, puberis vel impuberis. Impuberes et infantes possunt pati sollicitationem de jure denunciandam, nam

¹ Canon 904 : Confessarius debet, graviter onerata ejus conscientia, de hoc onere pœnitentem monere.

ad hoc delictum sollicitationis non requiritur consensus personæ sollicitatæ nec ejus complicitas nec imputabilitas. Subjiciuntur enim etiam infantes legi divinæ quæ turpia prohibet. Sed ante septennium completum, infantes non tenentur vi legis ecclesiasticæ denunciare confessarium sollicitationis reum. Tenebuntur tamen postquam delictum cognoverint, et post adeptam pubertatem sub excommunicatione tenentur denunciare confessarium qui eos sollicitaverit (c. 2230).

2. Peccatum de quo in casu debet esse grave et externum. In luxuria, proprie dicta, nulla datur parvitas materiæ. At provocatio ad actus leviter inhonestos non est technica sollicitatio; præterea, actus vel sermones leviter inhonesti vel etiam indifferentes judicari possunt esse graves sollicitationes ex affectu libidinoso vel ex pravo animo, nam facile fieri potest ut confessarius per actus vel sermones leviter inhonestos pœnitentes provocet ad grave peccatum. Tunc, profecto, datur sollicitatio technica.

3. Si quando actio inhonesta quæ simul et mutuo committitur a confessario et pœnitente, vel ad quam pœnitens provocatur, vel cui consensum confessarius externe præbet est certo in se materialiter graviter inhonesta, merito præsumi debet culpa gravis, formalis et interna a parte confessarii.

4. Insuper, verba inhonesta ex imprudenti inadvertentia a confessario proferri possunt, quo in casu, haud reus est sollicitationis. Nihilominus, in pœnitentibus interrogandis de materia venerea maxima cum prudentia et modestia loqui debet confessarius ne scandali ansam præbeat neve sinistram suspicionem ingerat. Confessarius qui sollicitationi prius a pœnitente factæ consentit reus est hujus delicti si consensus fuerit externus.

5. Sollicitationis circumstantiæ

1. Quum tota hæc legislatio ita respiciat Sacramentum Pœnitentiæ ut et pœnitentes secure confessarios adeant et nefarii confessarii puniantur, sollicitatio, de qua est quæstio, respectum aliquem habeat necesse est ad ipsum Sacramentum, nam abusus Sacramenti in eo situs est ut ille qui sollicitet, abuti censendus sit præcisive confessarii munere

et officio. Unde circumstantiæ sollicitationis aliquem nexum cum confessione habere debent. Iste nexus quadruplici modo verificatur.

(a) Si sollicitatio fiat in actu sacramentalis confessionis. Confessio sacramentalis ea est in qua fit accusatio peccatorum in ordine ad absolutionem, etsi interruptio fiat vel absolutio non detur. Actus confessionis habetur a parte confessorii a benedictione pœnitentis usque ad absolutionem datam ; a parte pœnitentis, ab incepta confessione per vel signum crucis ad dimissionem a confessario.

(b) Si sollicitatio fiat immediate ante vel immediate post confessionem. Fit immediate ante, si pœnitens se accingat ad confitendum, v.g., coram confessario se genuflectendo vel stando vel quamlibet dispositionem corporalem sumendo, ita ut vere dicatur in eo esse ut statim confiteatur. Fit immediate post, si nullum aliud negotium intercesserit inter pœnitentem et confessarium quod unionem moralem inter confessionem et sollicitationem violare posset, quodque non poterat censi ut medium electum ad sollicitationem peragendam. Multi casus concipi possunt in quibus merito dubitari potest utrum necne adsit ista unio moralis. Ideo in dubiis non est imponenda obligatio denuntiationis vi legis positivæ, etsi aliunde possit esse, ratione scandali vel boni communis, denuntiandi gravis obligatio.

(c) Si sollicitatio fiat occasione confessionis. Occasio confessionis habetur quando pœnitens petit confessionem expresse vel tacite, vel quando confessarius eum vere invitat ad confessionem instituendam pœnitente adnuente et tunc eum sollicitat. Præterea adest occasio si ex notitia desumpta ex confessione pœnitentis determinati, sive respectu inclinationis pœnitentis ad venerea sive alicujus medii apti ad sollicitandum, confessarius ita externe agat ut nexus sit obvius et certus inter confessionem et sollicitationem. Quum nexus saepe sit dubius, caute denuntiandi obligatio imponenda est. Promissio confessionis statim suscipiendæ rogatu pœnitentis est vera occasio.

(d) Si sollicitatio fiat prætextu confessionis. Prætextus confessionis habetur quando confessarius fingit aliquo motu externo se confessorii partes agere respectu pœnitentis non

vero si respectu aliorum. Unde semper dari debet aliqua fictio quæ pœnitentem decipiat, ut si confessarius vocatus ad feminam infirmam se stola induit et sedet prope lectum statimque eam sollicitat; non vero adest prætextus si et femina et confessarius, ut alii decepti e cubiculo discedant, mutuo fingunt partes pœnitentis et confessarii et tunc sive illa sive hic sollicitare incipiat.

Si quando religiosus sacerdos impetraverit licentiam egrediendi e monasterio ut confessionem infirmæ excipiat, et tunc infirmam invisens non ut confessarius eam statim sollicitet, ille non sollicitat prætextu confessionis, nam fictio adfuit tantum erga suum Superiorem non erga infirmam.

2. Sollicitatio technica adest si fiat in confessionali aut in loco ad confessiones audiendas destinato vel electo, cum simulatione audiendi ibidem confessionem. Unde ut habeatur sollicitatio ratione loci, requiruntur locus debitus, uti supra, et simulatio confessionem excipiendi.

Vox confessionale significat formam consuetam istius loculi qui in ecclesiis erectus est ad confessiones excipiendas. Locus destinatus est locus consuetus ubi quandoque sedet confessarius ratione sui officii, sive desit sive non consuetum confessionale in ecclesia. Ejusmodi locus est sacristia quando ibi habetur sedes confessionibus destinata, uti mos est in conventibus, vel locutorium, uti mos est in sacerdotum confessionibus apud presbyterium, vel locus in institutis pro feminis, orphanis, et ita porro, qui adhibetur ut confessionale pro omnibus adeuntibus.

Locus electus significat locus legitime determinatus quidem antecederet sed non habitualiter destinatus ad confessiones audiendas, at electus per modum actus, uti mos est in magno concursu fidelium, quando plures confessarii in variis locis sacristiæ vel cappelli cujusdam confessiones excipiunt.

Insuper, requiritur aliqua simulatio partes confessarii agendi in omnibus locis supradictis, non quidem simulatio in mente sed in re, ita ut si sacerdos ibi conspiceretur, censeretur partes confessarii agere. In ipso confessionali id verificaretur, at in loco electo insuper necesse est ut sacerdos et pœnitens ita externe agant ut, si conspicerentur, censerentur partes mutuas gerere. Ut patet, satis est si sollicitatio

etiam brevissimo tempore et paucis verbis fiat. Notandum est, juxta auctores, mulierem non agere partes pœnitentis quæ stat ante confessionale sine ulla simulatione confitendi. Reus est sollicitationis sacerdos qui, partes confessarii specie tenus agens, dat pœnitenti chartam postea domi legendam, in qua eum vel eam ad turpia incitat. Is sollicitat in confessione (Pp. Alex. VII, pr. d. 6). Hæc est vera sollicitatio etsi inchoata tantum, nam intime connectitur cum confessione. Præterea adest inchoata sollicitatio si quando confessarius, ut talis, designaverit locum assignationis, quo pœnitentem ad turpia postea provocat. At, si pœnitenti in confessionali schedulam dat alteri personæ tradendam quam sacerdos postea sollicitat, non reus est sollicitationis dummodo ipse pœnitens penitus ignoret de qua re agitur, et ideo non est complex in hoc turpi commercio. Ideo semper ex circumstantiis dijudicandum est utrum necne adfuerit aliquis nexus inter occasionem confessionis et sollicitationem.

6. Obligatio denuntiandi

1. Pœnitens qui sollicitatus erat a confessario, uti supra, debet eum intra mensem denunciare loci Ordinario vel Sacræ Congregationi Sancti Officii. “Meminerint omnes et singuli sacerdotes ad confessiones audiendas constituti, teneri se ac obligari suos pœnitentes, quos noverint fuisse ab aliis sollicitatos sedulo monere, juxta occurrentium casuum circumstantias, de obligatione denuntiandi inquisitoribus sive locorum Ordinariis, personam quæ sollicitationem commiserit, etiamsi sacerdos sit qui jurisdictione ad absolutionem valide impertiendam careat, aut sollicitatio inter confessarium et pœnitentem mutua fuerit, sive sollicitationi pœnitens consenserit sive consensum minime præstiterit, vel longum tempus post ipsam sollicitationem jam effluxerit, aut sollicitatio a confessario non pro se ipso sed pro alia persona peracta fuerit. Caveant insuper diligenter confessarii, ne pœnitentibus, quos noverint jam ab alio sollicitatos, sacramentalem absolutionem impertiant, nisi prius denuntiationem prædictam ad effectum producentes, delinquentem indicaverint competenti judici, vel saltem se, cum

primum poterunt, delaturos spondeant, ac promittant.”¹ Vi legis pœnitens sollicitatus confessarium qui eum (eam) sollicitaverit denunciare tenetur.

2. Pœnitens sollicitatus denunciare tenetur etsi alius jam denunciaverit vel si sollicitatio mutua fuerit vel si ipse consenserit, nam nullum est periculum infamiæ quum sollicitatus de consensu non interrogetur. Pœnitens, qui forte non intellexit sollicitationem, postea tenebitur denunciare quando naturam delicti cognoverit. Omnes tum testes immediati tum etiam mediati tenentur confessarios sollicitantes denunciare. Id a quibusdam falso negatur post Codicem editum.² Ergo non solum sollicitatus sed quilibet alii qui sollicitationem noverint denunciare tenentur. Codex videtur tantum pœnitentem obligare, at præcedens consuetudo necnon legis interpretatio ipsis verbis canonis “Ad normam Constit. Ben. XIV” hanc sententiam confirmant. Ergo testes isti denunciare tenentur etsi delictum cognoscatur sub secreto naturali vel promisso etiam jurato vel simpliciter commisso, non vero si cognoscatur sub secreto sacramentali, nec si sub secreto commisso ratione officii, nec (probabiliter) si ob consilium petatum nisi immineat gravissimum damnum publicum.³ Nemo tenetur se ipsum denunciare.

7. Quinam denunciandi

Omnes et soli sacerdotes rei sollicitationis cujuscunque dignitatis et præminentię, etiam locorum Ordinarii. Non ergo vi legis denunciandi illi qui non sunt sacerdotes etsi finxerint confessiones excipere; juris tamen naturalis vi, illi etiam denunciandi sunt ob scandalum. Etiam denunciandus confessarius sollicitans qui statim a sollicitatione desistit vel qui ultro coram Ordinario se sistit vel qui jam abiit in alium locum vel cujus sollicitationem non intellexit pœnitens, vel qui, etsi sacerdos, caret jurisdictione ad confessiones audiendas, vel excommunicatus, suspensus, interdictus, non vero, probabiliter, degradatus. Emendatus etiam est denunciandus, non vero probabiliter si ita emendatus

¹ Pp. Benedictus XIV, Const. *Sacramentum Pœnitentię*.

² cf. Cappello, II, n. 693; Verm., III, n. 607.

³ S. Alph., lib. 6, n. 698.

sit ut prorsus nullum sit periculum reincidentiae nec scandali. Insuper, confessarius jam convictus et punitus denunciandus est si iterum in delictum istud fuerit lapsus, non vero, probabiliter, si jam punitus ob unicum delictum, si hoc constare possit ; neque si mortuus, nec probabiliter, si nunquam in posterum possit excipere confessiones quia infirmus vel surdus. Nullum effugium datur pœnitenti per confessionem factam confessario qui eum (eam) sollicitaverat, at iste confessarius non tenetur monere a se sollicitatum (am) ut onus denuntiationis adimpleat. Confessarii sollicitationis rei qui sponte se accusant “ dimitti debent cum congrua abjuratione et pœnitentiis dumtaxat salutaribus, adjecto consilio vel præcepto, ut ab excipiendis personarum sollicitatarum sacris confessionibus se abstineant, nec ceteris pœnis antea dictis, accedentibus licet postmodum denuntiationibus, afficiantur ” (S.O., Feb. 20, 1867).

8. Cui nam, et quomodo, et quando facienda est denuntiatio

1. Fieri debet denuntiatio vel Ordinario loci ubi sollicitatus hic et nunc commoratur, vel Ordinario loci denuntiati, vel loci ubi sollicitatio facta est, vel S. Officio, non vero Superiori majori religionis in casu confessarii religiosi sollicitantis. Onus est personale.

2. Etsi fieri debeat denuntiatio judicialis—nam litteræ privatæ nedum anonymæ non sufficiunt—nil obstat quin fieri possit privata prævia denuntiatio sive adeundo Ordinarium sive litteras secretas ad S. Officium mittendo.

Hæc prævia denuntiatio ad Ordinarium loci fieri potest a confessario aut internuncio. Denuntiatio ad S. Officium est facienda per medium Episcopi seu loci Ordinarii. Denuntiatio dicitur judicialis si fiat a pœnitente personaliter in iudicio coram loci Ordinario ; extraordinarie vero judicialis si fiat coram delegato. Denuntiatio simplex fit per epistolam vel internuntium. Quod si ita facta fuerit, pœnitens potest, tuta conscientia, opperiri dum Superior eum (eam) advocet.

3. Denuntiatio facienda est a sollicitato intra mensem a die obligationis cognitæ sub pœna excommunicationis ipso facto incurrendæ, nisi ad tempus detur causa excusans.

Confessarius pœnitentis cujus est obligatio denuntiandi non tenetur sed potest onus denuntiandi per se ipse implere, et "laudandus est qui operam suam pœnitenti non dene-gaverit" (S.O., Feb. 20, 1867). Tenetur tamen si loci Ordinarius vel S. Sedes id præceperit.

9. Causæ excusantes a denuntiatione

1. Si pœnitens sollicitatus non potest statim denuntia-tionem facere ad tempus excusatur. At non cadit obligatio, sed differtur. Si non potest personaliter Ordinarium adire, tenetur, si potest, per epistolam.

2. Excusatur ob impossibilitatem physicam aut persona-liter Ordinarium adeundi aut scribendi ; non vero excusatur si confessarius delegatus denuntiationem excipere possit.

3. Excusatur ob impossibilitatem moralem propter timorem gravis damni in bonis, vitæ, famæ, fortunæ, tum sibi tum consanguineis vel affinibus. Ergo, secluso publico scandalo vel damno communi, pœnitens non tenetur in genere denuntiare confessarium consanguineum vel affinem vel filium vel fratrem vel tutorem, a quo necessaria vitæ subsidia accipere solet, vel intimum amicum. Sed quum obligatio sit per se gravis, incommodum subeundum debet esse valde grave ut detur excusatio.

4. In genere, non excusat verecundia pœnitentis, nec indignatio confessarii, nec bona fides aut simplicitas et innocentia puellæ sollicitatæ, etsi obligatio non necessario statim imponenda sit, nam potest differri ad occasionem magis opportunam.

10. Obligatio monendi pœnitentes sollicitatos

1. Confessarii sub gravi tenentur vi legis ecclesiasticæ monere sollicitatos ab aliis confessariis de obligatione denuntiationis, etsi sollicitati sint in bona fide et onus recusaturi sint, excepto casu articuli vel periculi mortis ne, scilicet, moribundus onus grave implere recuset. Non tenentur confessarii statim monere pœnitentes in periculo gravis scandali, quia, v.g., sollicitationem non intellexerant ; at vero, differtur tantum monitio usquedum sollicitationis tenor cognoscatur. Pœnitens etiam fide indignus debet

moneri de ejus obligatione ; caute tamen feminæ procaci credat confessarius.

2. Monitio omitti potest si pœnitens onus implere nec nunc nec unquam postea paratus sit, dummodo certo constet nullum animarum damnum ex silentio secuturum esse, et, probabiliter, si confessarius sollicitationis reus jam a longo tempore vitam sanctam peregit.

3. Alios, præter sollicitatos, monere confessarius non vi legis tenetur, etsi aliunde teneri possit ob scandalum vitandum vel bonum commune.

4. Simul cum monitione de denuntiatione facienda, confessarius addat comminationem excommunicationis incurrendæ. Quodsi confessarii neglegant suas in hac re obligationes possunt puniri ab Ordinario. At res raro constabit.

Serio confessarios monet Ecclesia (c. 2368, 2) absolutionem dare non debere sollicitatis monitis nisi postquam obligationi satisfecerint aut se satisfacturos serio promiserint, exclusa semper justa excusatione ab obligatione denuntiationis uti supra. Quodsi ultra mensem pœnitens denuntiare neglexerit et ita in excommunicationem inciderit, potest quidem absolvi, onere tamen imposito denuntiandi. Non vero reincidit in eandem excommunicationem onere secunda vice non impleto, nam lex pœnam reincidentiae non statuit.

Notanda

Non facile mulieribus confessarios accusantibus de turpibus sermonibus in confessione credendum est. Nam invidia et odio motæ innocentes confessarios accusant. Ex altera tamen parte, ne sinant puellas si conquerantur de scandalo accepto adire confessarios de quibus est fundata et prudens suspicio eos sermones paullo liberiores adhibere solere.

Quandoque præstat, in dubio, petere dispensationem a S. Pœnitentia aut S. Officio pro pœnitente ab obligatione denuntiationis. Loci Ordinarius, etsi dispensare non possit, permittere potest ut confessarius extra Sacramentum denuntiationem excipere valeat tanquam delegatus, in quo casu nomen sollicitantis debet alto silentio tegi a pœnitente, et in clauso involucro confessario tradi ut ille ad Episcopum

id transmittat. Simplex denuntiatio fit expressis nomine, cognomine, loco sive domicilio tum denuntiantis tum sacerdotis denuntiati.

11. Excommunicatio contra omittentes denuntiationem

1. "Fidelis qui scienter omiserit eum, a quo sollicitatus fuerit, intra mensem denuntiare contra præscriptum canonis 904, incurrit in excommunicationem latæ sententiæ nemini reservatam, non absolvendus nisi postquam obligationi satisfecerit aut se satisfacturum serio promiserit" (c. 2368, 2).

2. Ab hac excommunicatione omnes confessarii approbati absolvere possunt. Baptizatus tantum, ut patet, in illam incurrit, et quidem pubes; impubes vero post adeptam pubertatem obligationem antea ortam implere neglegens in illam incurrit.

3. Excusat ab hac excommunicatione incumbenda intra mensem ignorantia crassa vel supina dum ignorantia perdurat, at obligatio denuntiandi semper urget et quidem sub censura.

4. Hac excommunicatione plectitur solum sollicitatus non vero alius.

5. Mensis intelligitur juxta calendarium; si vero interrumpitur tempus, eo quod pœnitens non potest agere ob aliquod impedimentum, tempus interim non currit, et mensis tunc intelligitur spatium totale triginta dierum intra quos denuntiatio fieri poterat.

12. De pœnis contra confessarios sollicitantes

1. Nulla imponitur pœna latæ sententiæ. Pœnæ vindicativæ ferendæ sententiæ ita in Codice (c. 2368, 1) enumerantur quæ vim habere possunt nonnisi post processum judiciale: "Qui sollicitationis crimen, de quo in canone 904, commiserit, suspendatur a celebratione Missæ et ab audiendis sacramentalibus confessionibus, vel etiam, pro delicti gravitate, inhabilis ad ipsas excipiendas declaretur, privetur omnibus beneficiis, dignitatibus, voce activa et passiva, et inhabilis ad ea omnia declaretur, et in casibus gravioribus degradationi quoque subjiatur." Inter hasce pœnas, aliquæ seligi possunt pro minore culpabilitate confessarii, et si

sponte sollicitans comparuerit vel ante juridicam convictionem crimen confessus fuerit, potest dimitti cum congrua abjuratione et pœnitiis dumtaxat salutaribus, adjecto præcepto vel consilio abstinendi a sollicitati confessione excipienda.

2. Ut vero sollicitans hisce pœnis puniatur, crimen suum certum sit necesse est. In casu dubii, pœnæ non infliguntur, sed (c. 1956), "Si Episcopus censeat cum fidelium offensione imputatum ministrare sacris aut officio aliquo spirituali ecclesiastico vel pio fungi aut ad Sacram Synaxim publice accedere, potest, audito promotore justitiæ, eum a sacro ministerio, ab illorum officiorum exercitio vel etiam a publica sacræ synaxis participatione prohibere ad normam canonis 2222, 2," ubi dicitur hæc omnia non habere rationem pœnæ.

SECTIO 3. De Falsa Delatione Confessarii Innocentis

1. Falsa delatio de qua hic agitur, est falsa accusatio facta apud Superiores ecclesiasticos et quidem ita facta juridice, ut fieri solet et debet denuntiatio veræ sollicitationis. Unde probabiliter in pœnam non incurrit qui epistolam calumniosam contra confessarium innocentem ad Ordinarium loci dederit.

2. Pœna contra falsum denuntiatorem ita refertur in canonibus (c. 2363): "Si quis per se ipsum vel per alios confessarium de sollicitationis crimine apud Superiores falso denunciaverit, ipso facto incurrit in excommunicationem speciali modo Sedi Apostolicæ reservatam, a qua nequit ullo in casu absolvi, nisi falsam denuntiationem formaliter retractaverit, et damna, si qua inde secuta sint, pro viribus reparaverit, imposita insuper gravi ac diuturna pœnitentia." Gravis ac diuturna pœnitentia ea est quæ, in se gravis, repetitis vicibus, v.g., singulis hebdomadis impleri debet per vel triennium vel amplius. Damnum quod forte secutum est esse solet diffamatio confessarii. Si hæc publica fuerit, publica retractatio meliore modo quo potest fieri debet. Si privata fuerit, fama confessarii apud illos privatos auditores restituenda est.

3. Præterea, istud peccatum falsæ denuntiationis reserva-

tur Sanctæ Sedi ratione sui, ita ut, si forte ex ignorantia excommunicatio non incurratur, peccatum manet reservatum. Ideo, juxta superius dicta circa absolutionem in casu urgenti a peccato reservato, absolutio dari potest ab ipso peccato vi canonis 900, impositis de jure imponendis, uti supra dictum est.¹

4. Etiam in urgenti casu, quando legitime datur absolutio, formalis retractatio fieri debet, v.g., per scripturam subsignatam quæ clausa tradenda est Superiori cui delatio falso facta fuit, vel coram confessario et alio teste.

SECTIO 4. De Absolutione Complicis

1. Absolutionis complicis sensus

Alter abusus qui intime connectitur cum Sacramento Pœnitentiæ est absolutio complicis in re turpi. Qualis vero sit hæc absolutio, et quænam Ecclesiæ legislatio contra eam, elucebit ex sectionibus sequentibus.

2. Legislatio contra confessarium qui suum(am) complicem absolvit

Fons præcipuus legislationis contra absolventem complicem in peccato turpi est Constitutio Papæ Benedicti XIV, *Sacramentum Pœnitentiæ*, Junii 1, 1741. Verba præcipua Constitutionis hæc sunt: "Interdicimus et prohibemus, ne aliquis eorum (*scil.*, sacerdotum tam sæcularium quam regularium), extra casum extremæ necessitatis, nimirum in ipsius mortis articulo, et deficiente tunc quocumque alio sacerdote, qui confessarii munus obire possit, confessionem sacramentalem personæ complicis in peccato turpi atque inhonesto contra sextum Decalogi præceptum commisso, excipere audeat. Sublata propterea illi ipso jure quacumque auctoritate et jurisdictione ad qualemcumque personam ab hujusmodi culpa absolvendam, adeo quidem, ut absolutio, si quam impertierit, nulla atque irrita omnino sit. Et nihilominus, si quis confessarius secus facere ausus fuerit, majoris quoque excommunicationis pœnam, a qua absolvi potestatem Nobis solis, Nostrisque Successoribus dumtaxat reservamus, ipso facto incurrat. Declarantes

¹ *Supra*, vol. III, p. 339 sqq.

etiam et decernentes, quod nec etiam in vim cujuscumque Jubilæi, aut etiam Bullæ, quæ appellatur Cruciata Sanctæ, aut alterius cujuslibet indulti, confessionem dicti complicitis hujusmodi quisquam valeat excipere, eique sacramentalem absolutionem elargiri.”

3. De ipsa complicitate in peccato turpi

Supponitur utraque pars peccans eodem externo mutuo actu peccare vel saltem supponitur una pars actu peccans dum altera pars externe consentit ut cum ea peccetur. Peccatum de quo in casu debet esse mortale et materialiter et formaliter utriusque partis peccantis. Hinc non habetur complicitas si peccetur cum amente, dormiente, ebrio, infante, nec gravis utrinque complicitas si cum ignorante aut non animadvertente peccati gravitatem aut cum parte cui altera pars persuasit non graviter peccari dum actus fit vel antea.¹ Peccatum debet esse externum ex parte utriusque et quidem grave ut externum ; unde peccatum internum grave utriusque partis si non externe vel tantum per veniale peccatum impuditiæ manifestetur non est peccatum de quo in casu. Istud peccatum certo habetur, ut patet, quando mutuo actus luxuriæ consummatus est. Habetur etiam sive quando actus exercetur qui natura sua tendit ad excitandam veneream delectationem sive quando actus non est in se libidinosus sed exercetur uti medium ad provocandam delectationem veneream. Unde etiam tactus vel osculum partis honestæ si cum intentione externe manifestata excitandæ hujus delectationis quæ sequitur, sunt peccata gravia externa contra castitatem. At tactus mutuos in se leviter turpis non in se est peccatum grave complicitatis, etsi pollutio secreta sequatur in utraque parte cui consentitur. Profecto ista pollutio est grave peccatum sed, ut supponitur, nullus erat actus externus mutuos nisi levis.

4. De cooperatione

Debet esse cooperatio seu participatio utriusque personæ in eodem peccato gravi. Hæc participatio mutua facile patebit in actu mutuo in se libidinoso sive utraque pars

¹ cf. the recent reply, n. 9, *infra*, p. 413.

active agat ut in amplexu, sive una pars sit activa altera passiva, præsumendo communem procurationem venereæ delectationis utrique parti notam. In actu vero non in se libidinoso debet utrique constare de intentione libidiosa et commotione carnali communi et utrique nota. Hæc cooperatio aliquando versatur circa alterius peccatum ut si sacerdos pactum ineat cum Titio ut hic alliciat Balbam ad turpia patranda. Et sacerdos et Titius complices sunt in pacto seductionis, quod est grave peccatum contra castitatem.

5. De ipso peccato

Peccatum complicitatis de quo agitur est tantum contra sextum præceptum Decalogi. Perperam supponitur copulam tantum esse peccatum de quo agitur, nam multi actus impuditiæ sunt peccata gravia externa, et Congregatio S.O. (Maii, 1873) declaravit comprehendere nedum tactus, verum omnia peccata gravia et exterius commissa contra castitatem, etiam illa, quæ consistunt in meris colloquiis et adspectibus qui complicitatem important. Peccatum complicitatis, uti supra expositum, in puerili ætate ante sacerdotium patratum includitur sub lege, ut S. Pœnitentia (Jan. 22, 1879) aperte declaravit. At talia peccata certo certius jam a longo tempore accusata fuisse facile constabit.

6. De ipsa absolutione complicitatis

1. Absolutio complicitatis in peccato turpi invalida est præterquam in mortis periculo; et etiam in periculo mortis, extra casum necessitatis, est ex parte confessarii complicitatis illicita ad normam Constitutionum Apostolicarum et nominatim Constitutionis Benedicti XIV, *Sacramentum Pœnitentiæ*, Junii 1, 1741 (c. 884). Notandum est ipsum confessarium prohiberi absolvere complicem in periculo mortis extra casum necessitatis, etsi absolutio sit valida. At non prohibetur pœnitens confiteri complici sacerdoti et ab eo absolutionem petere et recipere. Periculum mortis late intelligitur. Non restringitur ad articulum mortis, et istud periculum oriri potest ex qualibet causa sive intrinseca sive

extrinseca, et quum nemo certus esse possit de morte secutura, sufficit probabilitas mortis mox secuturæ.

Videtur dicendum præter periculum mortis admitti debere gravissimam necessitatem pœnitentis uti eveniet in missionibus, vel urgente præcepto confessionis annuæ et communionis paschalis quæ omitti nequeant sine infamia dum alius confessarius præsto non est præter sacerdotem complicem. At utrum absolutio data in tali casu sit directa an indirecta controversatur.

2. Pœnitens complex qui suo complici confessario confitetur inter alia peccata etiam complicitatis peccatum jam ab alio confessario directe remissum probabiliter validam absolutionem recipere potest. At si periculum est ne ideo utraque pars exponatur peccandi periculo ulterius, profecto abstinendum est a confessione. Complex sacerdos ne unquam postea—nisi in gravi necessitate vel in periculo diffamationis—complicis confessionem excipiat. Immo tale præceptum imponere solet S. Pœnitentiaria et ideo omnis confessarius qui legitime (c. 2254) absolvit sacerdotem talem idem præceptum statim imponere debet.

3. Si quando pœnitens in bona fide confiteatur confessario complici qui etiam in bona fide complicem absolvit, absolutio non est valida. Si quando complex in bona fide confiteatur confessario complici, sed reticito complicitatis peccato, absolutio valida est, nec incurrit in excommunicationem confessarius. Peccatum complicitatis indirecte remittitur. At si complex confiteatur in bona fide istud peccatum nondum remissum, id quod confessarius complex tunc probe novit, et si partes sibi invicem bene notæ et ab invicem agnoscantur, absolutio probabiliter invalida est¹ et confessarius certo excommunicatur. Neque recursus fieri potest ad errorem communem, nam Ecclesia non supplet jurisdictionem in errore prorsus privato, uti in casu est.²

4. Si quando pœnitens confiteatur complicitatis peccatum confessario complici, ubi se invicem agnoscunt ut complices,

¹ Haec conclusio defenditur a Cappello, II, n. 619, rationibus utriusque sententiæ expositis et examinatis.

² Cappello, II, n. 622, putat adesse dubium positivum et probabile ob controversiam inter auctores, et ideo absolutionem in hoc casu erroris communis esse validam.

nequit confessarius complicem absolvere, nisi in gravissima necessitate et cum monitione alteri confessario istud peccatum confitendi. Nam non valet paritas cum casu alteri confessario delegato remittendi pœnitentem aliquem qui peccatum reservatum confitetur, nam in casu complicitis sacerdotis, non tantum istud peccatum absolvi nequit sed sacerdos prohibetur ne complicitis confessionem excipiat, peccato complicitatis nondum absoluto.

5. Si quando sacerdos peccaverat cum alia persona in sensu prout supra sed non notus ut sacerdos nec in peccando nec postea, probabiliter non adest peccatum complicitatis in sensu tecnico, nec se ipsum prodere tenetur. Quando complex in peccato uti supra novit suum complicem esse sacerdotem quidem sed quisnam sit nescit, si postea, casu quodam, eidem sacerdoti confitetur, hic non tenetur se ipsum prodere ob maximam infamiam obventuram, et ideo licite absolvit complicem. Quando utraque pars nominatim alteri nota fuit dum peccabant, et pœnitens, casu quodam, accedit ad illum sacerdotem ignorans eum esse suum complicem, sacerdos tenetur pœnitentem monere et dimittere, nam nullo modo tunc in æstimatione sui complicitis sese diffamat.

7. De excommunicatione contra confessarium qui suum (am) complicem absolvit

1. Hæc excommunicatio est latæ sententiæ et specialissime reservata Summo Pontifici. Non tantum absolvens sed et fingens absolvere complicem in peccato turpi incurrit ipso facto in excommunicationem specialissimo modo Sedi Apostolicæ reservatam; idque etiam absolvens in mortis articulo, si alius sacerdos, licet non approbatus ad confessiones, sine gravi aliqua exortura infamia et scandalo, possit excipere morientis complicitis confessionem, excepto casu quo moribundus recuset alii confiteri. Insuper, eandem excommunicationem non effugit absolvens vel fingens absolvere complicem qui peccatum quidem complicitatis a quo nondum est absolutus, non confitetur, sed ideo ita se gerit quia ad id a complice confessario sive directe sive indirecte inductus est (c. 2367).

2. Si pœnitens illud peccatum sua sponte nullo modo inductus (ta) a confessario non confessus (a) fuerit vel si, peccato accusato, sacerdos complex nec absolverit nec absolvere finxerit, censura non incurritur. Pro fictione absolutionis necesse est ut pœnitens serio putet se esse absolutum et in errorem inductus fuerit a confessario. Etsi prohibeatur sacerdos complex audire confessionem sui complicitis, non incurrit in excommunicationem si eum nec absolverit nec absolvere finxerit.

3. Sed qui absolvit suum complicem ex inadvertentia, ex mentis confusione, in dubio positivo, non incurrit in excommunicationem. Ergo qui serio putat, etsi perperam, se posse absolvere suum complicem eo quod complex nulli alii confessario confitebitur non incurrit in excommunicationem. Sed in dubio de persona sui complicitis inter confessionem, tenetur confessarius complicem prudenter investigare, v.g., rogando quandonam peccatum sit commissum vel num antea illud peccatum confessus sit. Item, in dubio de gravitate peccati commissi, non excommunicatus est si absolvat.

4. Non effugiet excommunicationem confessarius complex absolvens si absolvit propter aliquam ignorantiam crassam, supinam vel affectatam. Hinc qui nullam curam adhibet in absolvendo pœnitente qui visus (a) est esse suus (a) complex, vel qui ignorare studet ut effugiat excommunicationem, nihilominus excommunicatus est. Sed ignorantia simpliciter culpabilis nec crassa nec supina, etsi graviter mala, excusat a censuris latæ sententiæ (c. 2229, 3) et etiam ignorantia leviter culpabilis (c. 2218, 2). Qui absolvit complicem jam ab alio confessario absolutum probabilius non est excommunicatus.

8. Valida et licita absolutio complicitis

1. In periculo mortis, uti antea exposito, valida semper est absolutio, et quandoque licita.

2. Licita est si nullus alius sacerdos etsi non approbatus adsit, si nullus alius sacerdos vocari possit, si alius vocari possit sed confessionem excipere recusat, si nullus alius sacerdos vocari possit sine scandalo vel infamia sive mori-

bundi sive complicitis sacerdotis, si moribundus non vult alteri confiteri. Tamen ne facile fingat difficultatem complex sacerdos; immo debet, quantum poterit, periculum infamiae prævenire, secus in excommunicationem incurret. Semper aderit infamia advocando sacerdotem notorie excommunicatum. Insuper confessione jam legitime incepta, complex sacerdos potest legitime eam explere, adveniente altero sacerdote, nam causam licet finire, re non integra.

9. Complex inductus ad peccatum celandum

Confessarius qui directe aut indirecte inducit pœnitentem ut peccatum complicitatis nondum rite absolutum reticeat eumque absolvit a ceteris peccatis incidit in excommunicationem. Directe confessarius complicem inducit eum (eam) explicite monendo ne peccatum complicitatis confiteatur. Indirecte inducit, si post peccatum grave utrinque et notum ut grave dum fiebat, confessarius inducit pœnitentem putare peccatum patratum non fuisse grave et ideo non necessario accusandum. Etiam indirecte inducit qui sive intra sive extra confessionem sacramentalem alicui persuaserit, in turpibus inter se patrandis, aut nullum aut certe non grave inesse peccatum, eumque consequenter, de aliis tantum sibi postea confitentem sacramentaliter absolvit vel fingit absolvere. Ita S.O., Nov. 16, 1934 (A.A.S., 1934, p. 634).

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TREATISE XIV

INDULGENCES

CHAPTER I

INDULGENCES IN GENERAL (c. 911)

AN indulgence is the remission, in God's tribunal, of the temporal penalty due to sins whose guilt has been forgiven. The Church grants indulgences out of its treasury for the living by way of absolution, for the dead by way of suffrage (c. 911). Indulgences are, therefore, a real remission of a debt due to the Divine Justice, for sin carries a twofold penalty, that of guilt and that of punishment. The eternal punishment due to mortal sin is remitted when the mortal sin is forgiven. The moral guilt of sin is not remitted by indulgences, which, as stated, presuppose this guilt to have been forgiven.

The Church can remit temporal punishments due to forgiven sins, because they are a bond that constricts the soul, preventing it from entering heaven, for nothing defiled shall enter heaven, and the Church has the power of loosing every such bond on earth in virtue of her divine commission (Mt. 16, 19).

The treasury of the Church is a spiritual treasury which contains the satisfactory merits of Christ and the Saints, deposited, as it were, in the divine knowledge and acceptance. The satisfactory merits of the Saints do not indeed add anything to the infinite and inexhaustible abundance of Christ's satisfactory merits, but we know that those of the Saints can further the application to others of what Christ has secured for all : " I make up in my flesh what is lacking to the sufferings of Christ, on behalf of his body, which is the Church " (Coloss. 1, 24). The satisfactory merits of the Saints are also inexhaustible, for they are united with those of Christ.

The living are benefited by indulgences by way of

absolution, i.e., the temporal punishment is extinguished by an act of jurisdiction ; the dead are helped by indulgences, which the Church offers to God and prays that He will accept them, for the Souls in Purgatory are no longer under its direct jurisdiction. The Church offers to God for the dead the indulgences gained by the living, and in doing so, it offers the remission of the debt, if God will be pleased to accept it, together with its own most efficacious intercession. The temporal punishment which is remitted by indulgence is chiefly the punishment to be undergone in Purgatory.

An indulgence is said to be plenary or total when it remits all temporal punishment, so far as the intention of the Church is concerned. It is partial, when it remits only a definite amount of that punishment.

Indulgences are personal, if granted to a physical or a moral person ; real, if annexed to an object, such as a rosary or a crucifix ; mixed, if annexed to an object for a particular person only ; local, if attached to a place, such as a privileged altar, church or shrine.

Indulgences may be gained by the living for themselves ; all indulgences granted by the Pope are applicable to the Souls in Purgatory unless the contrary is evident (c. 930). Some are applicable only to the dead, as those gained on All Souls' Day. Indulgences gained cannot be applied by one living person to another living person (c. 930). An indulgence granted for both the living and the dead is to be understood as applicable to one or the other, not to both together and equally.

CHAPTER II

THE GRANTING OF INDULGENCES (cc. 912, 913)

BESIDES the Roman Pontiff, to whom Christ has entrusted the stewardship of the whole spiritual treasury of the Church, those alone can grant indulgences by virtue of office to whom such power is expressly granted by common law or by particular pontifical law. The power may be expressly though implicitly given ; it cannot be tacitly presumed.

Those who, in the ecclesiastical hierarchy, are inferior to the Roman Pontiff, cannot give to others the faculty of granting indulgences without the express sanction of the Apostolic See, nor can they grant indulgences applicable to the dead, nor can they attach indulgences to an object, an act of piety, or an association, to which the Holy See or another has already attached indulgences, unless they prescribe additional conditions to be fulfilled (c. 913).

An official collection of the prayers and pious works to which indulgences are attached was published in 1938 (Vatican Press) by the Sacred Penitentiary, entitled *Preces et Pia Opera*. This collection alone is authentic ; general grants of indulgences not contained in this collection are abrogated (S. Pœnit., Dec. 31, 1937). In the preface to the collection, it is stated that the term usual conditions means confession, Holy Communion, visit to a church or public oratory or, in the case of those entitled to use it, a semi-public oratory, and prayers for the Pope's intentions. When all these conditions need not be fulfilled, special mention is made of the conditions which are necessary. The term quarantines has disappeared.¹

¹ A revised edition was published in 1950, entitled *Enchiridion Indulgentiarum* (Vatican Press).

CHAPTER III

SOME PARTICULAR INDULGENCES (cc. 914-924)

SECTION 1. Indulgences attached to the Papal Blessing

THE papal blessing to which is attached a plenary indulgence can be given by bishops in their respective territories thrice a year, on Easter Sunday and two other solemn feast days at choice; by abbots or prelates *nullius*, Vicars and Prefects Apostolic in their respective territories only on two of the more solemn feast days. This blessing must, of course, be given with the prescribed formula of the Roman Pontifical.¹

Regulars who have the privilege of giving the papal blessing are obliged to give it with the prescribed formula,² and may give it only in their own churches or those of nuns or tertiaries aggregated to their Order, not, however, on the same day or in the same place as the bishop. The place excluded is the town or city. The papal blessing given by Regulars after a retreat may be given with a single blessing of a crucifix accompanied by the words: "*Benedictio Dei Omnipotentis*," etc.³

SECTION 2. Indulgences on All Souls' Day and during Quarant' Ore

On the day of the Commemoration of All Souls and during the octave,⁴ all Masses are privileged, that is, each carries with it a plenary indulgence. The indulgence must be applied to one particular Soul in Purgatory. During *Quarant' Ore* all the altars in the church are privileged.

SECTION 3. Apostolic Indulgences

Apostolic or papal indulgences are promulgated at the beginning of each pontificate and are attached to articles blessed by the Pope or by one who has the necessary faculty. To obtain such indulgences, it is sufficient to retain the article

¹ S. Pœnit., July 20, 1942.

² *Rit. Rom.*, tit. viii, c. 32.

³ S.R.C., 1911.

⁴ S. Pœnit., Oct. 31, 1934. S.R.C., June 13, 1950.

blessed, such as a crucifix for a happy death, either on one's person or at home. The prescribed prayers must be recited in presence of the indulgenced article. In those cases in which it had been prescribed that a rosary or crucifix should be held in the hand to gain indulgences annexed to it, it now suffices to have it on the person, v.g. in a pocket, if it cannot be held in the hand on account of manual work or other reasonable cause.¹

SECTION 4. Plenary Indulgence at Death

The papal blessing at the hour of death carrying a plenary indulgence can be given by any priest who attends the dying person, but it must be given according to the exact formula.² The blessing is given after the Last Sacraments, and the dying person, if conscious, being contrite, must be prepared to accept death willingly from the hand of God, and must invoke the Holy Name of Jesus with the lips, or, if that is not possible, in the heart.

Other papal plenary indulgences for the hour of death are :

1. The indulgence for the frequent recital of the Holy Name of Jesus or for frequent recital of acts of Faith, Hope and Charity.
2. The indulgence for having recited on any day during life, if with true affection of divine love and after fulfilling the usual conditions, the following prayer, "My Lord God, even now resignedly and willingly, I accept at Thy hand, with all its anxieties, pains and sufferings, whatever kind of death it shall please Thee to be mine."³ The state of grace at the moment of death is, of course, necessary.
3. The indulgence annexed to membership of many confraternities.
4. The indulgence attached to an article blessed with the Apostolic blessing.

The plenary indulgences at the hour of death may be

¹ S. Pœnit., Nov. 9, 1933. Beads may not be indulgenced if they can be easily worn out or broken: S. Pœnit., Dec. 21, 1925.

² *Rit. Rom.*, tit. v, c. 6.

³ S.C. de Indulg., March, 1904, translation authorized by Archbishop Farley, 1904.

gained by and should be given to children who have reached the use of reason, though they may not have made their first Holy Communion. The papal blessing with plenary indulgence may be given at the hour of death to one whose sickness suddenly takes a serious turn, even if he had neglected to receive the Sacraments. If a dying person recovers from immediate danger and relapses, the papal blessing already given will have its effect at the moment of death, even if absolution had to be given for additional mortal sins.¹ Only one plenary indulgence can be gained at a time, but it is well to fulfil the conditions for several.

SECTION 5. Indulgences on certain Feasts

A plenary indulgence may be gained on the following feasts and during the octaves in England and Wales : Christmas, Easter, the Assumption of our Lady, Michaelmas, Whit Sunday, All Saints, SS. Peter and Paul ; also during the week from the first Sunday of Lent to the second Sunday, both days included. The plenary indulgences granted for the feast days of our Lord and our Blessed Lady are valid only for the feasts indicated in the general calendar of the Church. The plenary or partial indulgences granted for the feasts of the Apostles are to be gained only on those days on which the liturgy commemorates their death, not on other feasts, such as S. Peter's Chair, S. Paul's Conversion.

SECTION 6. Transference of Indulgences

When an indulgence is granted for certain feasts, days of special prayers, novenas, septenaries, or triduum, held before or after a feast or during the octave, if the feast is legitimately transferred, the indulgences annexed to it are transferred if the transference of Office and Mass is perpetual. The indulgences are likewise transferred if the solemnity and external celebration of the feast are transferred even temporarily (c. 922). If the feast is temporarily transferred without solemnity and external celebration, the indulgence remains attached to the day, even though transferred on

¹ S.C. Indulg., June 20, 1836. But it may be repeated if the sick person recovered and later fell into danger of death (*loc. cit.*).

account of falling on Good Friday.¹ When All Souls' Day falls on Sunday and is transferred to the following Monday, the indulgences are transferred to the Monday. Only a Sunday impedes the celebration of All Souls' Day.

SECTION 7. Indulgences annexed to a Date or attached to Objects

When an indulgence is annexed to a given date, the visit to a church or oratory, if prescribed may be made from midday of the eve to midnight of the day. It is to be observed that indulgences attached to a church do not lapse if the church is destroyed, provided it is erected within fifty years in the same or nearly the same spot and with its former dedication. Indulgences attached to rosaries or other articles lapse only when such things cease to be what they were, or are sold; therefore a rosary retains its indulgence though lent or given away. A rosary may be restrung and the beads set in quite a different order without losing its indulgence. Odd beads that are lost may be replaced by others. Rosary beads to be used for gaining the Apostolic indulgence may not be made of tin, lead or fragile substances such as blown glass.

SECTION 8. The Indulgences styled "*toties quoties*"

1. The plenary indulgence attached to the kissing of a specially blessed crucifix (or the touching or holding of it) at the hour of death, though said to be gained *toties quoties*, is gained once only by any of the faithful, on the conditions of confession and Holy Communion, or if these are impossible, after an act of contrition, invocation of the Holy Name orally, or if that is impossible, mentally, and an act of resignation in accepting death as the wages of sin from the hand of God.² Pope Pius X now and then and only for particular cases extended this indulgence to the rank of a strict *toties quoties* indulgence.

2. The plenary indulgence annexed to certain pious public exercises performed during the month of June³ for

¹ S. Pœnit., Feb. 18, 1921.

² S. Pœnit., June 23, 1929.

³ *Preces et Pia Opera*, n. 253.

those who confess, visit a church or public oratory and pray for the Pope's intentions, may be gained each day during the month on which Holy Communion is received.

3. The plenary indulgence may be gained strictly *toties quoties* when the third part of the Rosary (five decades) is recited in the presence of the Blessed Sacrament, exposed or not, after confession and Holy Communion. The recital of the decades may be interrupted. Communion may be received the day before or during the octave of the day to which this indulgence is attached. Communion need not be repeated for gaining the indulgence more than once, and prayers for the Pope's intentions are not necessary.

4. A plenary indulgence, applicable only to the Souls in Purgatory, may be gained *toties quoties* by any of the faithful who, after confession and Holy Communion, visit a church or public or semi-public oratory legitimately erected on behalf of the Souls in Purgatory, and say six times the *Pater, Ave* and *Gloria* for the Pope's intentions. The same indulgence can be gained on All Souls' Day on the same conditions, or on the Sunday following, by those who did not get the indulgence on All Souls' Day.¹

5. The Portiuncula Indulgence is a strictly *toties quoties* indulgence. The conditions are confession, and absolution if necessary, Holy Communion, visit to the privileged church or oratory, prayers for the Pope's intentions (six times *Pater, Ave, Gloria*) at each visit. Local Ordinaries, or the parish priest or Rector of the church or oratory which is privileged, may transfer the indulgence from August 2nd, if a weekday, to the following Sunday. Though the indulgence has been gained on August 2nd, it may be gained a second time in another church on the Sunday following, if that day has been legitimately substituted for August 2nd.² The chapel of the Portiuncula enjoys this privilege every day. Confession and Holy Communion need not precede the visits.

6. Other *toties quoties* indulgences, to be gained under special conditions, are those granted for the feasts of S. Francis of Paula, the Most Holy Trinity, Corpus Christi,

¹ S.O., June 25, 1914; S. Poenit., July 5, 1930; Jan. 2, 1939.

² S. Poenit., Jan. 13, 1930. A confessor can commute the visits that have to be made to a particular church; P.C.C.J., Jan. 19, 1940.

our Lady of Mount Carmel, the Seven Dolours, and also Rosary Sunday. In addition to these, the Vatican Basilica enjoys the same privilege as the Portiuncula near Assisi. In the churches of some Religious Orders, on the feast day of their Founder, the *toties quoties* indulgence may be gained by any of the faithful on the usual conditions. The *Pater*, *Ave* and *Gloria* must be recited six times at each visit.

SECTION 9. Indulgence of the Divine Office

A plenary indulgence is obtainable daily on the usual conditions by one in Sacred Orders who has recited his divine office in presence of the Blessed Sacrament, exposed or not. The office may be interrupted.¹ The indulgence is gained even if Matins and Lauds of the following day are anticipated. The same indulgence can be gained under the same conditions in cases where the divine office has been legitimately commuted into other prayers.² This indulgence may also be gained by nuns and all other pious women living in community, if bound by their rules to recite the divine office daily.³ In every case, prayers for the Pope's intentions must be said. By a decree of May 18, 1933, an indulgence of 500 days is granted for the recital of a canonical hour in presence of the Blessed Sacrament.

SECTION 10. Indulgence of the Stations of the Cross

A plenary indulgence and partial indulgences *toties quoties* are annexed to this pious exercise as explained later. The indulgences are attached to the crosses which should be made of wood ; the crosses may be removed, if necessary, to another place in the same church, and unblessed crosses may, if necessary, be successively substituted in small numbers (less than seven) for broken or lost blessed crosses. Each Station is to be visited in turn, if the Stations are made privately ; but in the case of a congregation making the

¹ S. Pœnit., Oct. 23, 1930.

² S. Pœnit., Nov. 7, 1932. The same indulgence can be gained by all clerics, from first tonsure included, and by novices and students of any Religious Institute, even if not obliged by the Constitutions to recite the divine office (S. Pœnit., March 31, 1937), but not by novices or students in Institutes of women (Dec. 14, 1937).

³ S. Pœnit., Dec. 5, 1930.

Stations in common, the priest alone or with acolytes, cross-bearer or server, or the priest's substitute should then pass from Station to Station. At each Station the customary prayers are usually recited, but at least a pious meditation on the Passion of our Lord must be made. The only conditions, therefore, for this indulgence are a visit (as explained) to each Station, meditation on the Passion of our Lord, and the state of grace. This exercise should be made without moral interruption; interruption for confession, Holy Communion or the hearing of Mass would not destroy the moral continuity of this exercise.

In a decree of the Sacred Penitentiary of October 20, 1931, the new indulgences obtainable for the exercise of the Stations of the Cross are set forth. The Pope has abrogated existing indulgences with the exception of those here mentioned.

The faithful, who, with at least contrite heart, perform the pious exercise of the Stations of the Cross legitimately erected in accordance with the prescriptions of the Holy See, whether they do so individually or in a body, can obtain the indulgences.

1. The first indulgence is a plenary indulgence, *toties quoties*, for this pious exercise.

2. The second indulgence is a plenary indulgence obtainable by receiving Holy Communion on the day on which the exercise is made, or on receiving Holy Communion within the month after the exercise has been made ten times.

3. A third indulgence is one of ten years for each separate Station visited, if the full exercise was begun but for some good reason was not completed.¹

4. The plenary indulgence for the pious exercise of the Stations of the Cross can be acquired by the following:

(a) Persons on a sea voyage, or those detained in prison, or living in pagan countries, or those legitimately prevented

¹ Faculty to erect the Stations was abrogated (1933) and thereafter could be obtained only from the Sacred Penitentiary. Members of religious Institutes who have the faculty cannot delegate it to priests who are not members of their Institute. The local Ordinary should, if possible, be consulted before the faculty is used, except in places that are exempt. Previous invalid use of the faculty was convalidated; S. Pœnit., March 12, 1938.

from performing this pious exercise of the Stations of the Cross in the usual form, provided that the said persons hold in the hand a crucifix which has been blessed for the Stations of the Cross by a priest who could legitimately do so. Furthermore, the said persons must recite with contrite heart and devoutly twenty times the *Pater, Ave* and *Gloria* to this effect, namely, once for each of the fourteen Stations, five times in memory of the Sacred Wounds of our Lord, Jesus Christ, and once for the intentions of our Holy Father, the Pope. But if these persons cannot, for a reasonable cause, recite all the said prayers for gaining the plenary indulgence, they can acquire a partial indulgence of ten years for each recital of the *Pater, Ave* and *Gloria*.

(b) The sick who, owing to their sickness, cannot, without grave inconvenience or difficulty, perform the said pious exercise of the Stations of the Cross, in either the usual form or in that prescribed above, namely, by the recital of the *Pater, Ave* and *Gloria* twenty times, can gain the indulgence if they fulfil the following conditions, namely, with affection and contrite heart, kiss or even only gaze upon a crucifix blessed for the Stations of the Cross, held in front of them by either a priest or some other person, and recite, if they are able, a short prayer or ejaculation in memory of the Passion and Death of our Lord, Jesus Christ.¹

SECTION 11. Indulged Rosaries

1. The Rosary of the Blessed Virgin.

A rosary enriched with the Apostolic blessing consisting of five decades, carries a plenary indulgence to be gained at the hour of death.

The devout recital of the third part of the Rosary is enriched with an indulgence of five years; recital with others, publicly or privately, with an indulgence of ten years once a day; with a plenary indulgence on the last Sunday of each month, if recited at least three times in each week; with a plenary indulgence if recited in presence of the Blessed Sacrament, exposed or not.² During the month of October, the devout recital of a third part of the Rosary, publicly or

¹ *Preces et Pia Opera*, n. 194. ² cf. p. 422, 3.

privately, is enriched with an indulgence of seven years on any day, and with a plenary indulgence on the feast of the Rosary and throughout the octave, and also for the recital on at least ten days after the octave. The conditions are confession, Holy Communion and a visit to a church or public oratory.¹

2. The Dominican Rosary, consisting of five decades.

3. The Rosary of S. Bridget, consisting of six decades, each decade consisting of one *Pater*, ten *Aves*, one *Credo*. Then are added one *Pater* and three *Aves*. Another form of the Rosary consists of five decades.

4. The Rosary of the Canons Regular of the Holy Cross, which is enriched with an indulgence (the Crosier indulgence) of five hundred days for each *Pater* or *Ave* separately, even though the whole Rosary is not recited.

5. To gain indulgences attached to the Rosary, the beads must be held in the hand, except for the Apostolic indulgences. In reciting the Dominican Rosary with others, it is sufficient if one person uses the rosary whilst the others join in the prayers with requisite attention. Meditation on the mysteries of the life, Passion and Resurrection of Christ is necessary in reciting the Dominican Rosary, the five decades of which need not be recited without interruption, but must be said on the one day.

6. Several indulgences may be attached to the same rosary beads. The indulgence for reciting the Dominican Rosary and the Rosary of the Canons Regular of the Holy Cross, can be gained by the one recital.

SECTION 12. Scapular Indulgences and Scapular Medal

1. The Scapular of our Lady of Mount Carmel carries many great indulgences. It is piously believed that this scapular will save from hell those who wear it till death, and will deliver them from Purgatory at least on the Saturday after death. This is the Sabbatine privilege to gain which it is necessary to preserve chastity in accordance with one's state of life, to recite daily the Little Office of the Blessed Virgin, but if the subject cannot read, to abstain on

¹ *Preces et Pia Opera*, n. 398.

Wednesdays, Fridays and Saturdays unless Christmas falls on one of these days. This duty of abstinence can be commuted by a confessor. Clerics bound to say divine office fulfil the condition mentioned above of reciting the Little Office.

2. Other scapulars are those of the Immaculate Conception, the Most Precious Blood, the Most Holy Trinity, the Seven Dolours.

3. Those who wish to gain the indulgences of the scapular must be legitimately enrolled in the respective confraternities. The scapular is blessed by one who has necessary faculty ; he must place it on each person enrolled, unless he has a special faculty of allowing the enrolled to place it on themselves. If the blessed scapular is lost or destroyed, a fresh scapular unblessed may be substituted, but there is no need for re-enrolment in the confraternity. The scapular must be worn continually except for short interruptions. If the interruption is protracted, the indulgence is not gained. The scapular may be worn over a garment.

4. A medal with the figure of our Lord displaying the Sacred Heart on one side and the figure of our Lady on the other may be worn instead of any or all of the scapulars, except those of Tertiaries, after due enrolment with the cloth scapular. The medal must be worn, and it must be blessed with a separate blessing for each scapular it replaces ; the blessing consists of a simple sign of the cross given by one who has faculty to enrol. The cords must be attached to the scapulars not to the cloth covers.

SECTION 13. Indulgences for Visit to a Cemetery

During the octave of the Commemoration of All Souls, any of the faithful who visit a cemetery with piety and devotion and pray there, even mentally, for the dead, can gain, on the usual conditions, each day a plenary indulgence applicable to the Holy Souls. Furthermore, on any day of the year, a partial indulgence of seven years, applicable to the Holy Souls, may be gained by such visit and prayer.¹

¹ S. Pœnit., Oct. 31, 1934.

CHAPTER IV

THE GAINING OF INDULGENCES (cc. 925-936)

SECTION 1. The Subject gaining an Indulgence

ONLY a baptized person, not excommunicated, being in the state of grace at least when the last condition prescribed is fulfilled, and being a subject of the grantor of the indulgence, can gain an indulgence. The state of grace is secured by the Church, as far as possible, by the fact that it imposes the condition of confession or of an act of contrition for sins. For persons already in the state of grace, confession may be imposed, but an act of perfect contrition would not then be necessary. Since all baptized persons are subjects of the Pope, it is possible that a baptized Protestant in good faith might obtain the plenary indulgence at the hour of death by fulfilling the necessary conditions. But he could be required to have the intention of gaining it.

2. To gain a plenary indulgence one must be free from all sin, venial as well as mortal, so that the state of grace may not, by itself, be sufficient. An act of perfect love of God may procure remission of all venial sin, and thus indirectly increase the chances of gaining a plenary indulgence. Whether or not the state of grace is necessary that indulgences may be applied by a living person to the Souls in Purgatory is disputed. Certainly, it would be necessary if one condition of the indulgence were contrition. It is, however, certain that a priest, who, being in mortal sin, celebrates Mass at a privileged altar, gains the indulgence of that altar for the Soul in Purgatory to whom he applies the indulgence, and he does so even though the privilege is personal to himself. Similarly, the plenary indulgence that can be obtained *toties quoties* on All Souls' Day goes directly to them and not through the offerer, so that the state of grace is not a necessary condition. In other cases, also, it is highly probable that a sinner out of the grace of God can acquire indulgences for the dead.

SECTION 2. The prescribed Prayers

1. When prayers are prescribed, mental prayer is not sufficient ; it must be vocal.¹ Apart from definite prescriptions, any vocal prayers are sufficient. We believe that a sigh, ejaculation or a very short prayer is not sufficient, because this is contrary to the mind of the Church and the practice of the faithful. One *Pater*, *Ave* and *Gloria* were prescribed on the occasion of the Eucharistic Congress in Dublin, 1932. However, it has recently been laid down that when the condition of praying for the intentions of the Holy Father is annexed, it is sufficient (if no set prayers have been prescribed) to recite one *Pater*, one *Ave*, and one *Gloria*, though it is left to the faithful to recite any other prayer according to each one's piety and devotion towards the Roman Pontiff. Furthermore, when a visit to a church or oratory is prescribed, it must be made with at least the general or implicit intention of honouring God in Himself or His Saints, and reciting some prayer (that prescribed, if one has been prescribed). Apart from the prescribed prayer, it may be any prayer, oral or mental, in accordance with the piety and devotion of each.² The *Pater*, *Ave*, *Gloria* must be recited six times for *toties quoties* indulgences, when a visit to a church is enjoined, as for the Portiuncula Indulgence.³

2. The Pope's intentions are the exaltation of the Church, the extirpation of heresy, the propagation of the Faith, the conversion of sinners, peace between Christian princes.

3. When special prayers are enjoined, they may be said in any language if the version is substantially correct.⁴ The version is usually printed and bears the guarantee of the local Ordinary, but probably a manuscript version, if correct, is sufficient. The prayers enjoined may be recited alternately with another or others, or they may be mentally attended to whilst another person recites them.

¹ But indulgences attached to invocations and ejaculatory prayers can be acquired by mental recital (S. Pœnit., Dec. 7, 1933).

² S. Pœnit., Sept. 20, 1933.

³ S. Pœnit., July 5, 1930.

⁴ S. Pœnit., Nov. 26, 1934.

Dumb persons can gain the indulgences attached to public prayer if, being in the same place as those who are reciting prayers, they raise their minds with devout affection to God. If the prayers enjoined are to be said privately, it is sufficient that these be mentally recalled or expressed by signs or scanned with the eyes. Sometimes the prayers must be said kneeling in accordance with definite prescription, except in the case of those who cannot kneel, or have some other grave excusing reason.

4. It is held that the use of sound probabilities does not affect the gaining of indulgences, for the Church is thought to make good any defects which it can that may arise from following a probable opinion concerning indulgences.

SECTION 3. Plenary and Partial Indulgences

A plenary indulgence must be understood as so granted that, if not fully gained, it may be partially gained in accordance with the dispositions of the subject. A plenary indulgence can be gained only once on one and the same day, though the works prescribed be done several times, unless the contrary is made clear. A partial indulgence can be gained several times on one and the same day by repetition of the work prescribed, unless the contrary is expressly stated.

In regard to those indulgences which bishops can grant, they can be gained by subjects outside the respective territories, by visitors, by persons with no fixed residence, and by all exempt persons whilst within the said territories.

SECTION 4. The prescribed Confession

In regard to confession prescribed for any indulgence whatsoever, it can be made within eight days next preceding the day to which the indulgence is attached. Holy Communion, if prescribed, may be received on the eve of the said day. Both may take place within the octave of the day.

To gain indulgences granted for spiritual exercises extended over a week or three days, etc., the prescribed confession and Holy Communion may take place during the eight days following the exercises.

Those faithful who are accustomed, unless legitimately prevented, to confess twice a month or to receive Holy Communion daily in the state of grace and with a right and devout intention, even though they abstain from Holy Communion once or twice in the week, can gain all indulgences without the confession which otherwise would be necessary and prescribed, always excepting indulgences attached to a jubilee. But one Holy Communion suffices for all indulgences obtainable on the day of Holy Communion, and only on that day.

SECTION 5. The Jubilee Indulgence

The conditions requisite for gaining the jubilee indulgence vary somewhat, but the following may be taken as normal:

1. The confession prescribed, which cannot be commuted, must be made during the period of jubilee; the annual confession of obligation does not suffice, nor does a sacrilegious confession. Actual jubilee confession must be made. Absolution is not required if the matter confessed was not necessary matter.
2. The Holy Communion prescribed must be a special jubilee Holy Communion. This Holy Communion cannot be commuted, unless, in the case of the sick, Holy Communion is impossible.
3. The visits to churches must be made as prescribed in the jubilee grant. The time for a visit on any given day may be computed from the preceding midday to the following midnight, and generally any legitimate method of computing time may be adopted.
4. If the church which it is wished to visit be closed, or if, being open, it is filled with the faithful, it is usually sufficient to pray at the doors of the church, but this will depend on the jubilee grant.
5. The prayers prescribed for the Pope's intention must be vocal. They need not be said during the visits to the church and they need not be said more than once. But as a fact, the faithful laudably recite these prayers at each visit to the church, and this is sometimes prescribed.

6. The fast, if prescribed, must be done by all persons who wish to gain the indulgence, but it may be commuted by a confessor. A fast already obligatory may not be reckoned as the jubilee fast.

7. The alms, if prescribed, may be offered by proxy, as by the father of a family or religious Superior. It may be commuted by a confessor. The alms may be in the form of money or gifts in kind. If the amount is left to each one's capacity, more will be required from the rich than from the poor; if it is left to the judgment of each, this proportion need not be observed.

8. The jubilee prescriptions may be fulfilled in any order, but the last one done must be fulfilled in the state of grace. When, through some affection to venial sin, the complete jubilee indulgence is not obtained, a very considerable partial indulgence may be obtained.

9. Confessors receive very special faculties for penitents who make their confession to satisfy the prescription of confession to gain the jubilee. These faculties must be interpreted in accordance with the tenor of the jubilee grant. They may be used in respect of a penitent on several distinct occasions until that penitent has gained the indulgence, with some limitations in respect of absolution from censures and dispensation from irregularities, a matter that is made clear in the Apostolic Constitution, *Quod Superiore Anno*, April 2, 1934.

Notes on Indulgences

1. It may be taken as practically certain that, for plenary indulgences, the expression 'usual conditions' means confession, Holy Communion, a visit to a church or public oratory, and prayers for the Pope's intentions.¹

2. The condition of a visit to a church is fulfilled by receiving Holy Communion in a church. Usually the grant of an indulgence states that the prescribed prayers are to be recited during the visit. If the grant does not mention prayers for the Pope's intentions, then the visit to a church,

¹ *Preces et Pia Opera*, Prænot. n. 4.

if prescribed, does not include such prayers, but some prayer must be made.

3. A special concession is made for certain classes of people in respect of the prescribed visit to a church or oratory not specially named. Thus the following may visit the chapels of their respective houses provided the obligation of hearing Mass can be fulfilled in them:

(a) The faithful of either sex who lead a life in common for the practice of perfection or for education, or health, in institutions approved by the Ordinaries, if there is no church or public oratory therein.

(b) Those, too, who live there for service.

4. An indulgence cannot be gained for a work that is already obligatory unless the contrary is stated in the grant. An exception is made for a prayer given as sacramental penance, which happens to have an indulgence attached to it. Several indulgences on different grounds can be annexed to one and the same thing or place. Unless the contrary is expressed, several indulgences cannot be gained by performing one and the same work to which indulgences are annexed on different grounds; an exception is made for confession and Holy Communion. But the granting of the Apostolic indulgences in no way derogates from the indulgences which may at other times have been granted by the Supreme Pontiffs for the prayers, pious exercises, or works, which are enumerated in the list of indulgences granted by His Holiness, Pope Pius XI, at the beginning of his Pontificate.¹

5. Confessors can commute pious works prescribed for the gaining of indulgences on behalf of those who cannot fulfil them owing to some legitimate obstacle.

6. The papal blessing given *Urbi et Orbi* can be received by radio. It carries a plenary indulgence.²

7. Devotional exercises during a month which are indulgenced may be begun on any day during the said month or the month preceding it, if not the last day of the former.³

¹ S. Pœnit., Feb. 17, 1922.

² S. Pœnit., June 15, 1939.

³ S. Pœnit., March 10, 1941.

APPENDIX

Abrogation of certain Faculties

A decree of the Sacred Penitentiary has abrogated certain concessions in the matter of attaching indulgences to pious objects.¹ Hitherto, some Associations, such as the Society for the Propagation of the Faith, the Pious Union of the Clergy, and the Catholic Truth Society, were allowed to pass on to priest-members of their Association the faculty of attaching indulgences to pious objects. From April 1, 1933, the following concessions granted to such Associations have been abrogated :

1. The power of passing on to priest-members the faculty of blessing objects of devotion and attaching to them the Apostolic indulgences or the indulgences of S. Bridget.
2. The faculty of blessing rosaries and attaching to them indulgences.
3. The faculty of blessing crucifixes for gaining the indulgences of the Way of the Cross, or for a plenary indulgence at the hour of death.
4. The faculty of giving the papal blessing at the conclusion of retreats or spiritual exercises.
5. The grant of the personal privileged altar.

For the future, priests who wish to have such faculties will have to apply direct by letter to the Sacred Penitentiary with the approval of their Ordinary.

In regard to Religious who have such faculties as mentioned above, they retain them personally, but cannot any longer grant to priests who are not members of their respective Institutes the faculty of blessing rosaries and attaching to them indulgences, or of annexing to crucifixes the indulgences of the Way of the Cross, or of erecting Stations of the Cross.

These restrictions do not appear to be retrospective, so that priests who received such faculties as are mentioned above retain them if they retain membership of those Associations up to April 1, 1933, for the concessions were abrogated as from that date.

¹ March 20, 1933 : A.A.S., 1933, p. 170.

TREATISE XV

CENSURES

CHAPTER I

DEFINITIONS (cc. 2241, 2242)

A CENSURE is a penalty whereby a baptized person, being delinquent¹ and contumacious, is deprived of certain benefits, whether spiritual or connected with what is spiritual, until, having ceased to be contumacious, he is absolved from the censure. An ecclesiastical penalty has for its primary purpose the correction of the delinquent and for its secondary purpose the punishment of crime. Penalty is medicinal when its primary purpose is the emendation of the delinquent; it is vindictive when its primary purpose is the expiation of wrongdoing, the maintenance of social order and the common good. The term vindictive is used throughout without any connotation of revenge. Ecclesiastical penalty is purely spiritual when it deprives a person of spiritual benefits as the Sacraments; it is in a wide sense temporal when it deprives him of such benefits as are connected with what is spiritual, as dignities, rights, income of a benefice. The contumacy here meant is the conscious and deliberate violation of law, or the continued disregard of admonition. In every such violation there is, at least, virtual contempt of the law; formal contempt is present when the authority of the lawgiver is despised.

2. The Church, by its censures, intends secondarily the punishment of wrongdoing, and to deter its members from doing the like. A censure may, therefore, be inflicted on unknown delinquents and for delinquencies that may remain occult (c. 2242, 1). The Church inflicts censures to serve as

¹ The term *delictum* is translated throughout as delinquency, and is always to be understood in its technical meaning, as explained in chap. IV, viz., as an external and morally imputable violation of law to which some canonical sanction is attached (see *infra*, p. 440).

a bond in the external forum, but it imposes an obligation on the conscience as well.

3. Excommunication, suspension and interdict are the three species of censure; deposition and degradation are not censures but vindictive penalties; suspension and interdict may also be vindictive penalties.

4. A censure inflicted by law (*a jure*) is imposed by the law itself or in a general precept. A censure inflicted by an individual (*ab homine*) is imposed by a particular precept or by judicial condemnatory sentence (c. 2217, 3). A censure incurred by the very fact of a delinquency deliberately committed is *latæ sententiæ*, or is incurred *ipso facto*. No sentence is here needed. A censure that has to be specifically inflicted by judge or Superior is a censure *ferendæ sententiæ*.

5. The absolution from a censure may be reserved to the individual who inflicted it or his Superior, successor, or delegate. The absolution from censures not thus reserved, is reserved by law (*a jure*) to the Holy See, to local Ordinaries, to Ordinaries or Superiors. Canon 2245, 4, states that censures *latæ sententiæ* are not reserved unless this is expressly laid down in the law or precept. The term 'precept' has caused some difficulty. If it means a particular precept imposed under censure on an individual, it appears not to be reserved unless stated to be so. But this is contrary to all opinion, namely, that censures *ab homine* are always reserved (c. 2247, 2). Consequently, it is thought that the term 'precept' means here a general not a particular precept.¹

6. Some censures are reserved by law most specially to the Holy See, some are specially reserved, some simply reserved. Some censures (*nemini reservatæ*) may be absolved by confessors with ordinary diocesan jurisdiction, but only in the internal forum, in the act of confession, unless the confessor has jurisdiction in the external forum. Some censures are reserved by law to local Ordinaries or by local Ordinaries. If a censure is specifically and personally inflicted by a Superior on an individual, that censure (*ab homine*) is reserved to his tribunal.

¹ cf Cappello, *de Censuris*, n. 68; Verm.-Creus., *Epit.*, III, n. 442.

CHAPTER II

THE AUTHOR OF CENSURES (c. 2220)

SINCE censure primarily regards the external regimen of the Church, those and those alone can inflict censure who have jurisdiction in the external forum, that is, those who can enact laws or impose precepts (c. 2220, 1). This jurisdiction may be ordinary or delegated, the former being exercised in virtue of an office, the latter by commission. But a vicar general cannot impose penalties without special mandate.

The following can inflict censures in virtue of their office or position in the Church, namely, the Supreme Pontiff in regard to all members of the Church, an Ecumenical Council, Congregations and Tribunals of the Roman Curia within limits, local Ordinaries for their respective dioceses, a plenary or provincial Council, cathedral Chapter before the election of the Vicar Capitular, the Vicar Capitular within limits, Apostolic Administrators, abbots and prelates with episcopal jurisdiction over at least three parishes, Vicars and Prefects Apostolic, higher Superiors in clerical exempt Religious Orders, and their Chapters, in accordance with the Constitutions of the respective Institutes.

CHAPTER III

THE SUBJECT OF CENSURES (cc. 2226—2235)

ANY living baptized person, having the use of reason and being capable of grave and deliberate transgression of law, may be visited with censure by the ecclesiastical prelate to whose jurisdiction he is subject. As the Pope has no superior he cannot be visited with censure. When heretics are apparently excommunicated after death, the sentence is declaratory that they had incurred censure during life and must now be treated as excommunicates, i.e., deprived of public prayers and ecclesiastical burial. When the excommunicated are absolved after death, the sentence affects the living only, inasmuch as they may bury the deceased with sacred rites.¹

2. Those do not incur censures *latæ sententiæ* who have not reached the canonical age of puberty, that is the age of fourteen years for male and probably also for female (c. 2230); but those who have reached that age incur censures if they induce one under puberty to violate law to which a censure is attached or co-operate with them in such violation (c. 2230). Cardinals are not subject to censures unless specially named (c. 2227). They are specially named in the Constitution of Pope Pius X, *Vacante Sede Apostolica*, in respect of papal elections and relations with civil authorities. They are subject to censure if they appeal to a General Council (c. 2332). Bishops are subject to excommunications *latæ sententiæ*, but not to *ipso facto* suspension or interdict, unless specially mentioned (c. 2227). Only the Pope can inflict censures on those who hold supreme power in a State, on their sons and daughters, and on those who have the right of immediate succession (c. 2227).

3. Those who have no domicile or quasi-domicile where they are residing are not there subject to *ipso facto* episcopal censures that may be in force, unless the censures are annexed

¹ Rit. Rom., tit. iii, c. 4.

to laws which must be observed by all, such as laws that safeguard public order and the common good, or those that regulate legal formalities of contract and the like. Strangers may, however, be visited with censures by the local Ordinary (c. 1556, 1). Furthermore, those strangers, whilst absent from their own territory, do not incur *ipso facto* censures that are in force only in their own territory for the violation of particular laws, unless the violation of the laws do harm in their territory, or unless the laws are personal. They may always be visited with personal censures inflicted by their own Superior, and, if inflicted, the censures persist, for a censure is a perpetual bond until absolved, unless the contrary is stated (c. 2226, 4).

4. Members of exempt Religious Orders cannot, as a rule, be visited with episcopal censures. The law does not exempt them in certain particular cases (cc. 616, 619, 831, 1261, 1274, 1291, 1293, 1382, 1516, most of which deal with ministerial functions). There are some Religious, as the members of the Mendicant Orders who, by special privilege, are not liable to episcopal censures except in three cases, viz., if they presume to preach in churches without permission of the local Ordinary, or to hear lay confessions without his approbation, or to expose for public veneration images that are unusual or scandalous.¹

5. Communities or moral persons are liable to suspension and interdict ; if excommunicated, the censure is inflicted on the individuals of the community in so far as they have co-operated in transgressing the law (c. 2255, 2).

¹ Const. PP. Gregory XV, Feb. 5, 1622; Innocent X, May 14, 1653; Urban VIII, March 15, 1623.

CHAPTER IV

DELINQUENCY A CONDITION OF CENSURE (cc. 2195—2213)

SECTION 1. The Nature of Delinquency

THE canons (c. 2242) prescribe that censure is incurred only for delinquency that is external, grave, actual, and accompanied with contumacy. Delinquency is defined (c. 2195) as an external and morally imputable violation of law to which is attached some, at least indeterminate, canonical sanction. The fault must be grave internally as well as externally, for the Church does not wish to visit with serious punishment an act that is not seriously sinful. Nevertheless, in the external forum moral guilt has *per se* to be presumed, for a society judges by what is external.

The character of a delinquency has to be measured by the object or purpose which the law has in view, but its magnitude is determined not only by the importance of the law that is violated, but also in accordance with the greater or lesser imputability or harm inflicted (c. 2196). Thus, the specific nature of delinquencies is determined by the laws of which they are the violations, as the laws against heresy and sacrilege. Heresy is always a serious external offence, since it strikes at the foundation of true religion.

The contumacy here considered does not necessarily imply persistent and wilfully obstinate ill will ; a censure *ferenda sententiae* is incurred only by ignoring admonition, or refusing to do penance and to repair the scandal and the harm done (c. 2242, 2) ; censure *latæ sententiae* is incurred by conscious and deliberate transgression of the law with some, at least habitual, knowledge of the censure, unless excused by some legitimate reason. If a delinquency carrying a censure *effectu secuto* has been committed, but before its effect has ensued is effectually revoked, or if the moral guilt has been absolved in the Sacrament of Penance, it is probable that the censure will not be incurred when the effect actually occurs.

SECTION 2. The Various Kinds of Delinquency

A delinquency is public if already divulged, or may, in the circumstances, be easily divulged. Publicity is a relative term. A delinquency would not be public if known only to a few persons in a large city. A delinquency is legally notorious after sentence on it by a competent judge from which there is no appeal, or after avowal by the delinquent made in Court orally or in writing (cc. 2197, 1750). It is notorious in fact if it is publicly known and if it was committed in such circumstances that it could not be concealed by any subterfuge nor excused by any interpretation of law. Thus, homicide committed publicly would be notorious in fact, but not as a crime if it had been an act of self-defence. A delinquency is occult if not public, i.e., if known to only a few discreet persons. It is materially occult if the fact is not known or known to few, or to discreet persons ; it is formally occult if its culpability is not known.

SECTION 3. Imputability of Delinquency

Delinquencies may be committed through malice, ignorance or carelessness. Whatever factor increases, diminishes, or takes away culpability, that also increases, diminishes, or takes away imputability (c. 2199).

1. Malice, which is the deliberate act of violation of law, supposes knowledge and freedom, but if a law has been externally violated, malice is presumed unless its absence is proved (c. 2200). Delinquency is not imputed to those who have not the use of reason. The modern tendency to allow for ' uncontrollable impulse ' is a threat to all legal sanction ; the impulse will always be pleaded. Those who are habitually insane, though they may have lucid intervals, or appear to be sane in certain classes of reasoning or action, are presumed incapable of delinquency.

2. Delinquencies committed in voluntary intoxication are indeed partly imputable to the agent, and wholly so, if intoxication was sought so that the delinquency might be committed in that state ; if intoxication was involuntary

and destroyed the use of reason, there is no imputability; if it took away reason only partially, imputability is lessened. Weakness of mind lessens imputability but does not take it away. Some mental defectives are conscious of grave wrongdoing, though not of what is slight. Inculpable ignorance destroys all imputability, but culpable ignorance does not. Ignorance of the sanction of a law diminishes imputability in proportion to its inculpability. The same is true also of inadvertence and mistake. The example is given of Catholics who marry in the Registry Office. They usually know that it is wrong, and may therefore be punished. Neglect of diligence lessens imputability, but if it was due to carelessness of the means which any careful man would take, it is very nearly malicious. Mischance unforeseen or impossible to prevent destroys imputability. Minor age lessens imputability and the more so as it is the less removed from infancy. But this presumption gives way to fact. Violence that is physical and takes away all power to act excludes delinquency. Grave fear, even if relative, necessity and serious inconvenience generally exclude delinquency in merely ecclesiastical laws. If, however, an act done from grave fear is intrinsically evil, such as lying, or if it redounds to the contempt of faith or of ecclesiastical authority or to spiritual harm, the aforesaid factors merely diminish imputability, they do not extinguish it. In legitimate self-defence all necessary force may be employed, and delinquency is not committed; but if more force was employed than was strictly necessary, imputability is lessened. Provocation has the same bearing on imputability.

3. Passion that is voluntarily and deliberately aroused or fostered increases imputability for the delinquency intended or foreseen. Passion not deliberately excited with the intention or foreknowledge of delinquency destroys imputability if it takes away the use of reason or consent of the will, and this is found to be the case in the extremely irascible whose ungoverned temper gets the better of them. The same is often true in crimes of violence and sexual offences against children in the case of sexual perverts. Passion that is not voluntarily and deliberately aroused or

fostered diminishes imputability in proportion to its violence. Delinquencies are also aggravated in accordance with the status of the offender and offended, the abuse of power or office, relapse into the same crimes or frequency of delinquency in different matters.

SECTION 4. Co-operation in Delinquency

The canons (c. 2209) divide co-operators in delinquency into two classes, namely, those who incur full responsibility and those who are only partially responsible.

1. In cases of physical co-operation, all who take part in it with the intention of committing delinquency are held equally responsible unless some factor increases or diminishes the responsibility of an individual, and where a delinquency of its nature requires an accomplice, as in a simoniacal contract, both parties are equally guilty, unless some factor intervene to make a difference.

The person who orders a delinquency to be committed, being the principal author of it, those also who induce another to commit a delinquency, and those who concur in it in any way, are equally guilty with him who committed it, if without their help it would not have taken place. All such persons are positive co-operators and are liable to the same penalties. The principles of positive and negative co-operation have already been explained,¹ as also the obligations consequent on such co-operation. Co-operation in delinquency if unnecessary though useful is less imputable.

2. If an intending co-operator completely and opportunely withdrew his influence on the intending delinquent, he is exonerated from all imputability should the delinquency take place ; but if he did not fully withdraw his influence, his partial withdrawal diminishes but does not extinguish his blame. Thus, the mere posting of a letter withdrawing approbation or favour of a delinquency, is not an effectual withdrawal ; the letter must be actually delivered.

3. Co-operation in delinquency through neglect of duty may be great or small ; its gravity will depend on the extent of

¹ *Supra*, vol. II, p. 340 sqq ; cf. vol. I, p. 341 sqq.

the official obligation, if any, of preventing the delinquency.

The positive and explicit approval of a committed delinquency, the sharing in the benefits of it, the concealing and screening of the delinquent, and other similar acts, can, of themselves, constitute a delinquency if they are punishable by law, but there would be no responsibility for the first actual delinquency failing agreement before the fact.

Censures may be incurred by mere mandate or counsel in respect of delinquency ; they will be incurred only when the effect has ensued. In such cases of censure after the effect, it is very probable that one who issued a simple command or gave counsel in the matter of a delinquency, v.g., abortion, would not incur the annexed censure unless his command or counsel was effectual, nor if the other party were already determined to commit the delinquency.

SECTION 5. Attempted Delinquency

Law sometimes punishes attempted delinquency. This is incomplete, when violation of a penal law is not carried out, but some action is done with evil intention calculated to violate law. It is incomplete, first, when the action is interrupted or not fully executed ; secondly, when a sufficient action is done, but its effect is prevented. The former is attempted, the latter, frustrated delinquency. The act of one who ineffectually tries to induce another to commit a delinquency, is attempted delinquency.

If attempted delinquency is punishable by law, the attempt is, in law, a delinquency, as the attempt to fight a duel. Apart from moral imputability, legal imputability attaches to the attempt, and it is the greater, the more nearly the attempt succeeded, but it is less than for actual delinquency. Again, a frustrated delinquency is legally more culpable than one merely attempted. There is no legal imputability when a person deliberately ceases from a delinquency already begun, if no harm or scandal has ensued.

It is to be observed that when some act is rendered null by church law and the attempt to execute it is forbidden, as attempted absolution of an accomplice, the mere attempt is a delinquency.

CHAPTER V

CAUSES THAT EXCUSE FROM CENSURES (c. 2229)

SECTION 1. Ignorance as an excusing Factor

IGNORANCE that is invincible or inculpable, whether of the law itself or of the sanction of the law, excuses from censure. Ignorance that is only slightly culpable also excuses, for a censure is a grave penalty and presupposes full knowledge of it. This ignorance excuses in the internal forum of conscience and, if the excuse is proved, also in the external forum (c. 2218, 2). Ignorance that is not crass or supine excuses from *ipso facto* censures, for which full deliberation is needed ; it does not excuse from vindictive punishments (cc. 2229, 2218). Ignorance that is crass or supine excuses from *ipso facto* censures if the law contains the phrases : “ Shall have presumed, or dared, or acted knowingly, temerarily, of set purpose ” and the like (c. 2229), for such phrases presuppose full knowledge and deliberation. Ignorance that is studied does not excuse from censures. Forgetfulness, inadvertence, want of consideration, mistake, excuse to the same extent as ignorance excuses.

SECTION 2. Duress and Fear

Physical duress that takes away freedom of action excuse from censures.

Grave fear generally excuses both from liability to censure and from the observance of a censure incurred. But when a delinquency tends to the contempt of faith or of ecclesiastical authority, or to public spiritual harm, such fear does not excuse (cc. 2229, 2205) ; if the delinquency does not do so, though intrinsically evil and seriously culpable, gave fear excuses from the penalties.¹ Slight fear excuses from censure if the law contain the phrases : “ Shall have presumed or dared or acted temerarily ” and the like.

¹ P.C.C.J., Dec. 30, 1937.

SECTION 3. Other Causes that excuse from Censures

Censures are not incurred by those who are in a state of intoxication if their imputability is so diminished as to render their act less than seriously culpable. But if, notwithstanding diminished imputability, the act done is gravely culpable, intoxication does not excuse from censures *late sententiae*. Habitual aments, though they may have rational intervals, are presumed incapable of delinquency and are therefore generally excused from censures. Other excusing causes enumerated are, necessity, grave inconvenience, defence, provocation, mischance, tender age, revocation of a command or withdrawal of influence, since these excuse from delinquency.

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CHAPTER VI

RESERVATION OF CENSURES (cc. 2245—2247)

A RESERVED censure incurred on account of sin remains reserved until absolved, and the sin is reserved because the censure is reserved. Consequently, when censures are reserved, the reservation directly regards the censure and only indirectly the sin, so that when the censure is not incurred, owing to the factors enumerated above, the sin is not reserved; and when the censure is absolved, the sin ceases to be reserved.

2. A censure annexed to a sin can be absolved apart from the absolution of the sin. But in general, faculty to absolve a censure carries with it the faculty to absolve the sin, and contrariwise, when a bishop grants faculty to absolve from reserved sin, this includes faculty to absolve from an annexed censure.

3. Neither censure nor sin is reserved when reservation is doubtful, if the doubt is a positive one, based on good reasons. This is true, whether the doubt be one of law or of fact either on the part of confessor or penitent. In doubt as to whether or not a censure has been incurred there is probably no obligation to seek absolution from it. If a penitent knows that he has incurred a censure but does not know of its reservation, he may probably be absolved by any confessor.¹

4. When a confessor absolves from a reserved censure and sin but was ignorant of the reservation, the absolution from the censure is valid provided it was not a censure imposed by an individual Superior (*ab homine*) or most specially reserved to the Holy See (c. 2247). The same is true in cases of inadvertence, mistake, forgetfulness, want of consideration. The principle is true even if the confessor's ignorance was culpable. The absolution in this case is direct, so that there is no further obligation on the part of the penitent to confess the sin.

¹ Cappello, *op. cit.*, n. 72, however, thinks the contrary is true.

5. A confessor who presumes to absolve from reserved sins without the necessary faculty is *ipso facto* suspended from hearing confessions (c. 2366). This suspension is not reserved. If he presumed to absolve without the necessary faculty from an *ipso facto* excommunication that is either specially or most specially reserved to the Holy See, he incurs excommunication simply reserved to the Holy See (c. 2338).

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CHAPTER VII

ABSOLUTION FROM CENSURES (cc. 2248-2254)

SECTION 1. Absolution in General

CENSURE is taken away only by legitimate absolution (c. 2248, 1). If censure had been incurred antecedently to a law that abolished the censure it still requires absolution. Where one under censure has ceased from his contumacy, and has given the satisfaction imposed, or promised to give it, he is entitled to absolution. Absolution is sometimes given with the annexed condition that certain obligations or penances shall be fulfilled ; failing the fulfilment, the censure is again incurred. This is the *pœna reincidentiæ*.

2. Censure essentially regards the external regimen of the Church ; it should, therefore, be absolved in the external forum. But the Church allows absolution to be given, so far as conscience is concerned, that is, in the internal forum in some cases. Thus, if a delinquency has been occult or if there are reasons, as must often be the case, for absolution at once, the Church allows absolution from censure in conscience, without prejudice, however, to the external forum. Thus, although absolution given in the external forum is valid for the internal forum also (c. 2251), absolution given in the internal forum is good for the external forum to this extent that the person so absolved may act publicly as absolved, if he give no scandal by so acting, but unless the grant of absolution is proved or at least legitimately presumed in the external forum, the censure can be sustained and urged by the Superior of the external forum, until absolution has been given in that forum (c. 2251). Consequently, in the case of a censure for an occult delinquency absolved in the internal forum, there would be no scandal possible if the subject acted publicly as absolved, but if the censure was publicly known he could not, though absolved, act publicly as absolved if scandal were thereby given. Absolution given in the internal forum can be proved, if proof is called for, by the confessor who gave it—but this

must be done without violating the seal, or by witnesses who observed the censured going to confession, and it may be legitimately presumed if the censured is now living a good life or was seen devoutly receiving Holy Communion.

3. One under a censure that does not prevent the reception of the Sacraments, such as suspension, can be absolved from sin if the conditions are fulfilled, though the censure persists. One under censure that forbids the reception of the Sacraments, such as excommunication and personal interdict, should not be absolved from sin before having been absolved from the censure. The absolution would be unlawful, but whether or not it would be invalid depends on the following principles :

(a) If the censure was not reserved, the absolution is valid.

(b) If the confessor had not special faculty, the absolution is valid if given in good faith, or through inadvertence, ignorance or mistake, unless the censure was individually inflicted (*ab homine*) or was most specially reserved to the Holy See (c. 2247, 3). In these cases, the sin is absolved but not the censure (Coll. P.F., II, p. 216 note).

SECTION 2. Absolution in Danger of Death

In cases of danger of death, every priest, even though without already delegated faculties, can validly and licitly absolve from all sins and censures without exception. It is sufficient that the danger of death should be possible or reasonably presumed from any cause whatever. Even if the danger is only morally present, the same principle applies, as has been declared in the case of soldiers mobilized for war. The faculty may be used even though a delegated priest or Superior could be summoned or is present (c. 882). If, however, the person in danger of death was absolved from censure individually inflicted (*ab homine*), he must, on recovery from the danger, have recourse, under penalty of relapse into the same censure, to the Superior who inflicted the individual censure, if such was the case, or to that Superior's successor, delegate, or Superior ; if he was absolved from a censure most specially reserved by law to

the Holy See, he must have recourse to the Sacred Penitentiary, or to a bishop having necessary faculties for the case, or to any other who has faculties. Failure to have recourse for suitable penance or injunctions must be grievously negligent in order that the same censure may be incurred. The period within which recourse has to be made is not determined ; most probably it is a month after recovery from the danger of death. But the penitent may, if he choose, submit the case again to a confessor who has requisite faculties.

The confessor who absolves either of the two last mentioned classes of censures in danger of death is not obliged to impose the obligation of recourse, though he may do so, and in some cases should do so. It would usually be inexpedient to impose the obligation in danger of imminent death, or when the admonition would do harm. But if the absolved person after recovery come to know of his obligation, he must have recourse within a month of his coming to that knowledge. Where recourse by the absolved person is morally impossible, it seems probable from analogous cases (c. 2254) that absolution may be given without any obligation of recourse, but the confessor must then impose a penance to be fulfilled within a reasonable time under pain of relapse into the censure. The one exception, in which recourse is insisted upon, is the case of a priest who has incurred excommunication for having attempted or feigned to absolve his accomplice in sin.

SECTION 3. Absolution outside the Danger of Death in Normal Cases

Outside the danger of death the following prescriptions are to be observed :

1. In cases of unreserved censures any legitimate confessor may absolve in the Sacrament of Penance only (c. 2253, 1) ; outside the sacramental forum the censure can be absolved only by one who has jurisdiction over the penitent in the external forum. But if the case has been brought to the Court, absolution has to be sought from the legitimate Superior (c. 2237, 1, 1).

2. Individual censures (*ab homine*) are reserved to him who inflicted them, his successor, delegate or Superior, and as in the case of personal precept, the censured carries with him his censure, but if he becomes the subject of a new Superior by change of domicile, the latter can probably absolve him.¹

3. Censures that are reserved by law to certain Superiors can be absolved by those who imposed them, or those to whom they are reserved, their successors, delegates or Superiors (c. 2253, 3). The Supreme Pontiff can absolve from all censures and can delegate others to do so. Cardinals can absolve from all censures except the few most specially reserved to the Holy See and that incurred by revealing the secrets of the Holy Office; their power is restricted to the sacramental forum (c. 239). Local Ordinaries can absolve in both fora from censures reserved to them by law, and in occult, but not in public, cases from censures simply reserved to the Holy See (c. 2237). They can exercise this power over their own subjects anywhere and over strangers in the diocese.

Abbots and prelates *nullius* have the same power as bishops (c. 319), as also have those who are juridically styled Ordinaries (c. 198). Major Superiors in clerical exempt Religious Orders (Generals and Provincials) can absolve their subjects alone from censures reserved by law to Ordinaries, and from censures simply reserved to the Holy See in occult cases. The term 'subjects' includes professed, novices, and all who reside day and night in the religious house (cc. 514, 875).

4. Lastly censures can be absolved by those who have delegated faculty.

SECTION 4. Absolution from Censures in Urgent Need, outside the Danger of Death

1. The Meaning of Urgent Need

1. The canons (c. 2254, 1) give the power to absolve from all censures to every legitimate confessor in the following terms: In urgent cases, that is, if a censure incurred *ipso*

¹ Cappello, *op. cit.*, n. 120, 7.

facto cannot be externally observed (i.e., the sanction of the censure undergone) without danger of grave scandal or defamation, or if it is burdensome to a penitent to remain in the state of grievous sin during the period necessary for the competent Superior to make provision (i.e., for recourse to the competent Superior for absolution or delegation to absolve), then any confessor can give absolution in the sacramental forum from such censure with certain limitations. These are that he must impose on the penitent the obligation of having recourse within a month to the Sacred Penitentiary or to a bishop or other Superior having faculty to absolve, and of abiding by their injunctions. The obligation of recourse is imposed under pain of relapse into the same censure, and the recourse is to be made by letter or through the confessor, if this can be done without grave inconvenience. Recourse is made, not for absolution, but for penance and instructions.¹

The defamation or scandal referred to would be present if a priest had to celebrate Mass, or layfolk had to receive Holy Communion or be married, and they could not do so owing to the censure, with the result that they would, by the omission, suffer defamation of character in the opinion of others, or be the occasion of sin to others. It is sufficient that either should be probable. Every penitent would find it a grave burden to remain in mortal sin for some time, and the confessor may legitimately bring him to that state of conscience if it is not present. This time may be interpreted as one day, and in the case of a priest, other cleric, or pious lay person, a few hours. It would usually be impossible to obtain faculties within two days, so that normally a disposed penitent could be absolved at once by the confessor. It is held as probable² that the principle stated above applies also to the absolution of sins reserved by an Ordinary in his diocese, so that if a penitent could not be absolved in virtue of canon 900, absolution could be given by virtue of this canon (2254). The same principle also certainly applies to the one sin reserved to the Holy See, namely, false accusation of a confessor of solicitation (c. 894).

¹ But see Appendix, p. 464.

² Cappello, *op. cit.*, n. 125.

2. This absolution from reserved censures or sins without censure must be given by a confessor who has faculties for hearing confessions, and it is to be observed that common error (c. 209) can supply the necessary faculties. This absolution from censures in urgent need is direct.

2. The Obligation of Recourse

1. The grave inconvenience which excuses from the obligation of having recourse is generally one of scandal or defamation, for example, the danger of the letter to the Superior being opened. But the inconvenience may be any grave one, spiritual or temporal, moral or physical, one's own or another's. The confessor should himself undertake the task of recourse on behalf of the penitent unless he is excused by a grave reason. If the confessor undertook the task but neglected to fulfil it, the penitent does not relapse into the censure nor does the confessor incur censure. If the confessor has neglected to keep his promise, the penitent is not bound to have recourse to the Superior unless, probably, the confessor has died or gone elsewhere. In practice, no ordinary penitent knows how to set about the task, especially if a letter to the Sacred Penitentiary is necessary. Though the obligation primarily lies on the penitent, normally the confessor will have to undertake the task if he can. If he is unable to undertake it, and will not again come across the penitent, as may happen when priests supply for an absent parish priest or curate, and if the penitent finds it hard to go to another confessor, then this is a case of recourse being morally impossible, so that absolution may be given and the necessary and prescribed obligations imposed. The case of a priest who attempted to absolve his accomplice is excepted, that is to say, such a priest is bound to have recourse to the Sacred Penitentiary for a salutary penance.

2. The canons state (c. 2254, 2) that there is no objection to the penitent who has received absolution in case of urgency, and who has already had recourse to the Superior but has not received a reply, from approaching another confessor who has necessary faculties and seeking absolution from him after renewed confession at least of the reserved

case. When such absolution has been given and such obligation as the confessor imposed has been accepted, the penitent may disregard the prescriptions of the Superior to whom recourse had been made, when they arrive (usually by letter). Nevertheless he may choose whichever penance he prefers.

3. Again, the canons state (c. 2254, 3) that if in some extraordinary case recourse is morally impossible, then the confessor can give absolution without imposing any obligation of recourse, but must enjoin what should be legally enjoined, and impose a fitting penance and satisfaction, so that the penitent would relapse into the same censure unless he fulfilled the penance and made the satisfaction within the suitable period to be determined by the confessor. An exception is made adverse to a priest who has incurred censure for having illegitimately absolved his accomplice in sin, for in his case the obligation of having recourse must be imposed. But even he can be absolved without this obligation if he is unable to write and will not again see the confessor, or if there is danger of defamation or other serious harm. But if the confessor cannot again see the penitent priest the procedure is for the former to write to the Sacred Penitentiary, without disclosing the penitent's name, submit the case, beg for instructions which will be sent to him to be transmitted to the penitent priest, whose name and address the confessor must know, and whose permission for this procedure must be obtained, since he is treating confessional matter outside confession.

4. The obligations that are to be enjoined are the obligations of making satisfaction to an injured party, if injury has ensued, of repairing any scandal that has arisen, of fulfilling the penance imposed. Penances that may be usefully imposed are frequentation of the Sacraments, the hearing of Mass, the recitation of the Rosary. The penance may be a protracted one, if the confessor judge fit, but not so protracted as to be easily forgotten or to be an intolerable burden. Monthly confession and Holy Communion for six months or a year is a suitable penance.

5. Recourse is morally impossible if neither penitent nor

confessor can approach personally or by letter the competent Superior, and if the penitent would find it seriously inconvenient to confess to another confessor who has faculties over the case. Furthermore, recourse is morally impossible if the penitent cannot write and the confessor will not see him again, and cannot communicate with him, or if the penitent would suffer any grave inconvenience such as the danger of scandal, defamation or temporal loss. Recourse must be made within a month from the day of absolution exclusive, or that on which the penitent was apprised of the obligation. If that is impossible, recourse is morally impossible, but a priest who has attempted to absolve his accomplice may be assigned a longer period.

6. The absolution given in urgent cases outside the danger of death is for the sacramental forum only, and does not avail for the external forum, that is for a public censure, though the person absolved in the internal forum may, apart from scandal, act as though absolved in the external forum. But the Superior may enforce the censure unless absolution is proved or legitimately presumed in the external forum (c. 2251).

7. If the delinquency for which the censure was incurred has been brought before the ecclesiastical judge, the confessor cannot normally give absolution from censure in the internal forum unless the delinquency was occult or the censured would have to remain in mortal sin for a long time. If the censure has been publicly pronounced, then absolution in the external forum is first necessary. All censures *ab homine* or by particular precept inflicted by judicial sentence must be absolved in the external forum by the person who inflicted the censure or his Superior, successor or delegate. Nevertheless, a confessor could absolve even those censures in the internal forum and impose the obligation of recourse, if the censure and sentence are not common knowledge, or if recourse is impossible or very difficult. In the latter case scandal must be repaired and avoided. The recourse spoken of does not now mean only personal recourse, a view that was formerly defended, but it includes recourse by letter, but this too can be dispensed with if impossible.

CHAPTER VIII

KINDS OF CENSURES (cc. 2255-2256)

THERE are three kinds of censures, namely, excommunication, interdict and suspension.

Excommunication can affect only physical persons and therefore if inflicted on a corporate body, it affects each individual of the body in so far as he had a share in the delinquency. Interdict and suspension can affect a corporate body, so that each member, though innocent, must respect the censure as long as he is a member of the body. Excommunication and interdict affect clerics and laypeople. Suspension affects clerics only. Interdict affects persons and places. Excommunication is always a censure, that is, a medicinal punishment ; interdict and suspension can be either censures or vindictive punishments ; in case of doubt they are presumed to be censures only. The two terms, divine offices and legitimate ecclesiastical acts, used in defining the effects of censures may be at once explained. By divine offices are meant those functions of the power of Orders which, by the institution of our Lord or the Church, have reference to divine worship and are fulfilled by clerics only. By legitimate or legal ecclesiastical acts are understood the office of administrator of church property, the functions of judge, auditor, relator, defender of the bond of marriage, and ordination, promoter of the Faith for beatification and canonization, notary, chancellor, courier, beadle, lawyer, sponsor in Baptism and Confirmation, voter in ecclesiastical election and advowson.

CHAPTER IX

EXCOMMUNICATION (cc. 2257-2267)

SECTION 1. Definition of Excommunication

EXCOMMUNICATION is a censure by which a person is excluded from communion with the faithful of the Church. It entails the loss of all rights which a member of the Church, as such, possesses. It does not necessarily sever union with God but merely with an external organization. But it is not external only in its effects ; it is a spiritual sword that cuts one off from means of interior graces, such as the prayers of the Church and the Sacraments. This is the major excommunication ; minor excommunication does not now exist.¹

There are no degrees in the effect of excommunication, though in respect of social intercourse with excommunicates there is a distinction between those who are to be shunned (*vitandi*) and those who are tolerated (*tolerati*). Luther's teaching that excommunication was wholly external and not a spiritual penalty valid before God was condemned by Pope Leo X.

Originally, the faithful were obliged to shun all intercourse with those under the major excommunication. Pope Martin V introduced a change in the discipline.² The excommunicated to be shunned must have been excommunicated by the Holy See, must have been publicly denounced as such, and explicitly declared *vitandi* in the decree or sentence. Only one exception to this rule is now made, namely, in the case of those who lay violent hands on the person of the Pope. These are *ipso facto* to be shunned (c. 2343, 1).

SECTION 2. The Effects of Excommunication

1. Exclusion from Divine Offices

An excommunicate is deprived of the right of assisting at divine offices. Divine offices comprise Mass, Exposition

¹ Pope Pius IX, Const. *Apostolicæ Sedis*, 1869 ; S.O., Dec. 5, 1883.

² Const. *Ad Ecitanda Scandala*, 1418.

of the Blessed Sacrament, funerals, processions, recitation of the divine office in choir. Public recitation of the Rosary and the Stations of the Cross are not divine offices. Probably an excommunicate is exempted from the obligation of hearing Sunday Mass ; he is not, if a priest, exempted from reciting his breviary, nor is any excommunicate exempt from paschal Communion or annual confession, for he is obliged to seek absolution. An excommunicate is not forbidden to hear sermons in the church, nor to enter the church to pray privately, nor probably to enter it whilst divine service is proceeding if he take no active part in the sacred ceremony itself.¹ If a tolerated excommunicate assists at a religious service passively, he is not to be expelled from the church, but one who has to be shunned must be expelled by force if necessary ; if that cannot be done, the service must be discontinued if possible without grave inconvenience. But scandal and the spiritual harm of the faithful must always be avoided.

2. Exclusion from the Sacraments

An excommunicate may not receive the Sacraments ; if he received them in bad faith the reception would be valid, except in the case of the Sacrament of Penance where right dispositions are essential. Similarly, he might validly but not lawfully receive tonsure and Orders, either major or minor.

An excommunicate after declaratory or condemnatory sentence cannot receive either Sacraments or sacramentals. A Catholic woman who has married in the Protestant church may not receive the blessing after childbirth before she has been absolved. But excommunicates are not forbidden to use the sacramentals privately, v.g., carrying and venerating relics, using holy water or blessed candles.

3. Exclusion from Ministration

An excommunicate may not lawfully administer or confer the Sacraments or sacramentals, with the following exceptions :

1. The faithful may, for a good reason, ask for the

¹ cf. Cappello, *op. cit.*, n. 149.

Sacraments and sacramentals from a tolerated excommunicate, especially if other ministers are not available. Such excommunicate may lawfully act in those cases without making inquiries. It is, therefore, held that an excommunicate priest would not sin if, on the customary days of confession, he offered his services to the faithful. But scandal must be always avoided. Contempt of the censure would be a grave sin.

2. If, however, the excommunicate is one who is to be shunned, or if sentence has been passed, the faithful may ask him for sacramental absolution only when in danger of death, or in fear of death, or to preclude grave scandal, even though another priest who is approved is present (except in the case of an accomplice priest, and with the limitations set out previously in canons 882, 884, 2252), and if no other priest is available, the faithful may ask for the other Sacraments and the sacramentals.

4. Exclusion from Indulgences, etc.

An excommunicate can have no share in the indulgences, suffrages or public prayers of the Church. Thus, no excommunicate can gain indulgences or share in the fruits of the Mass as a public act of the Church, and the prayers and good works of the Church. The public prayers of the Church include the canonical hours, recited in or out of choir, liturgical processions and the prayers of Mass. But the faithful are not forbidden to pray privately for an excommunicate though, if he is one to be shunned, Mass can be offered only for his conversion; if he is tolerated, Mass can be said for him privately and apart from scandal. Mass is said privately when it is neither solemn nor publicly announced. Therefore a private Mass can be said for a tolerated excommunicate, a heretic, or a schismatic, and for their respective intentions, if becoming, and a stipend may be accepted. Private Masses can also be offered for infidels and their intentions. For deceased excommunicates, heretic or schismatic, Mass can be said if, before death, they gave signs of repentance, as well as for such as have not been

explicitly condemned or declared excommunicate, for these are not denied Christian burial.

An excommunicate is debarred from legitimate ecclesiastical acts within the limits specified by law in the proper place, and from the exercise of ecclesiastical offices and from personal privileges granted by the Church. One admitted exception (c. 1654) is that he may impugn the justice or legitimacy of his excommunication.

5. Prohibition of Acts of Jurisdiction, etc.

An excommunicate cannot lawfully exercise jurisdiction whether in the external or the internal forum, and not validly after sentence (except in cases of danger of death, as stated above, or very grave need or common error), unless the faithful for good reasons solicit his ministrations as explained. An excommunicate cannot lawfully exercise the right of election, nomination or presentation, nor validly, if sentence has been passed, nor can he lawfully acquire dignities, offices, benefices, ecclesiastical pensions or be promoted to Holy Orders. After sentence, the fruits or income of office are forfeited, and in the case of a *vitandus* the office itself is withdrawn.

6. Exclusion from Social Intercourse

Social intercourse with an excommunicate who is to be shunned must be avoided even in secular matters ; exceptions are made in favour of husband or wife, parents, children, servants, subjects, and in general if a good reason requires such intercourse.¹ Practically a reasonable cause will nowadays exist in nearly every case in a normal community, but this fact does not abrogate the law.

¹ Utile, lex, humile, res ignorata, necesse ; i.e., utility, marriage, obedience, ignorance, need, all excuse such intercourse. The prohibition was expressed thus : *Os, orare, vale, communio, mensa negatur*, that is, intercourse, association in prayer, special signs of friendship, cohabitation and business, eating together.

CHAPTER X

SINS WHICH INCUR EXCOMMUNICATION MOST SPECIALLY RESERVED TO THE HOLY SEE

SECTION 1. Illegitimate, attempted, or fictitious Absolution of an Accomplice (c. 2367)

THE technical meaning of accomplice has been explained in the treatise on Penance. The penalty has also been explained, as also the absolution that can be given in danger of death.¹ Since censures are not incurred by those who are in doubt or are ignorant, inadvertent, mistaken or forgetful, this censure is not incurred unless the confessor acts with full knowledge of and advertence to what he is doing and with full realization of the penalty. Such a confessor does not, however, escape the censure if he acts from crass, supine or studied ignorance of the situation, for the canon does not suppose any presumptuous or temerarious attempt to absolve as did the Constitution of Pope Benedict XIV, *Sacramentum Pœnitentiæ*.² Since a censure is incurred only by grievous sin, the confessor in question would not incur this censure if he acted from simply culpable and grave ignorance, for a sin due to supine, crass or studied ignorance is graver than one due to simple ignorance. The pretence at absolving an accomplice takes place when the penitent is induced to believe that absolution has really been given, and such deception is necessary that the censure may be incurred by fictitious absolution. Deception of others than the penitent has no bearing on the censure. This censure is so specially reserved to the Holy See that a confessor is bound to impose on a priest who has incurred it and whom he is empowered to absolve (c. 2254), the obligation of recourse to the Sacred Penitentiary for a penance. When the penance of relinquishing the office of confessor is imposed, a period of grace may be allowed, or even a dispensation may be granted if no relapse occur.

¹ *Supra*, vol. III, p. 407 sqq.

² cf. S.O., Jan. 13, 1892.

**SECTION 2. Direct Violation of the Seal of Confession
(c. 2369, 1)**

The manner of violating the seal of confession directly has been explained in the treatise on Penance.¹ This canon states that a confessor who shall presume to violate the seal, directly incurs a most special excommunication. Consequently, that this censure may be incurred, full knowledge and full consent are necessary (c. 2229, 2). Inadvertence, consent that is not deliberate, imprudence not gravely culpable, and every lessening of imputability on the part of intellect or will excuses from this censure. Ignorance that is crass or supine also excuses, and even slight fear.

**SECTION 3. Violent Attack on the Person of the Pope
(c. 2343, 1)**

One who lays violent hands on the person of the Pope incurs this most special excommunication (c. 2343). The violence must be external and gravely sinful and actually committed in fact, not in word only, against the person, liberty, or honour of the Roman Pontiff, such as, killing, maiming, striking, imprisonment, detention, external insult. It is to be observed that even attacks and insults not grave in themselves would be grave in this case, if in the common estimation of men they would be considered grave, for the violence is not measured by the intensity of an attack but by its injustice.

SECTION 4. Profanation of the Sacred Species (c. 2320)

One who throws away the consecrated species of the Holy Eucharist or carries them off or retains them for an evil purpose incurs this censure (c. 2320). It would not be an evil purpose if the sacred species were carried away from an exaggerated sense of devotion. The evil purpose need not be the purpose of the person who carries the species away; the evil purpose of another to whom the species are taken

¹ *Supra*, vol. III, p. 323 sqq.

would suffice, if known. The retention meant is retention for an evil purpose, and is obviously to be distinguished from the mere carrying away.

SECTION 5. Abuses in Papal Elections (c. 2330)

There is a fifth most specially reserved censure that has regard to violation of the laws of papal elections. This subject requires no treatment here.

SECTION 6. Illicit Consecration of a Bishop

A bishop who consecrates another bishop without permission of the Holy See incurs this excommunication, and also the bishop consecrated (S.O., April 9, 1951).

APPENDIX

Excommunication for Sacrilegious Concubinage

If a priest, forgetful of his vocation, has fallen into sacrilegious concubinage, and, though converted from his sin, is prevented from discontinuing life under the same roof with the accomplice of his desertion, owing to his attempted civil marriage and other serious reasons, on promising to observe perpetual continence, he may be permitted to receive the Sacraments as a lay person. Such a priest incurs, by virtue of canon 2388, 1, excommunication, absolution from which and permission to receive the Sacraments as a lay person, are reserved exclusively to the Sacred Penitentiary. If, when in danger of death, he has received absolution from a priest, he is still under the obligation of having recourse to the Sacred Penitentiary, as canon 2252 prescribes in the case of censures reserved by law most specially to the Holy See.¹

The Sacred Penitentiary has added a Declaration to explain the force of the preceding decree, namely, that absolution from the censure, as explained above, is so reserved to the Sacred Penitentiary, that no one can ever absolve from such censure, except in the case of danger of death, notwithstanding any faculty, whether in virtue of canon 2254, 1, or of privilege, or of any other law whatever.²

¹ S. Pœnit., Apr. 18, 1936.

² S. Pœnit., May 4, 1937.

CHAPTER XI

SINS WHICH INCUR EXCOMMUNICATION SPECIALLY RESERVED TO THE HOLY SEE

SECTION 1. Apostasy, Heresy, Schism (c. 2314)

APOSTATES from the Christian Faith, heretics and schismatics incur this excommunication. If they have been admonished and do not repent, they are to be deprived of benefice, dignity, pension, office or other function, if they had any such. They should be declared infamous and, if clerics, after admonition a second time without result, they are to be deposed. These latter penalties are *ferendæ sententiæ*, that is, they must be expressly imposed. If a person has become aggregated to a sect or has publicly adhered to one, he is *ipso facto* infamous ; if a cleric, he loses all offices and is to be degraded if an admonition has had no effect. The excommunication above referred to is reserved to the Apostolic See in the forum of conscience, but if the offence has been brought under the cognizance of the local Ordinary and to the external forum even by voluntary admission, then the Ordinary may absolve in the external forum after repentance of the excommunicate, previous abjuration, and fulfilment of other requisites of law. The person so absolved in the external forum can then be absolved in the forum of conscience by any confessor. The requisites of law, prescribed by the Holy Office (1859), are inquiries into the validity of Baptism received in an heretical sect, imposition of a salutary penance, reparation of scandal, complete severance from the sect or schism. Whatever privileges may be granted in other countries, in this country faculty to absolve converts from excommunication has to be obtained from the local Ordinary. An attempted exercise of this jurisdiction without delegation would be invalid. Converts from heresy or schism, if baptized conditionally, are always to be absolved in the external forum.

SECTION 2. Suspicion of Heresy (c. 2315)

Those suspected of heresy incur this excommunication if, after admonition and having been forbidden to exercise legitimate acts, they do not clear themselves from suspicion of heresy within six months. After that period, if there is no amendment, they are treated as heretics.

The following are suspected of heresy : Those who contract marriage with the explicit or implicit agreement that any of their children shall be educated as non-Catholics (c. 2319, 2) ; those who deliberately presume to offer their children for non-Catholic baptism (c. 2319, 3) ; parents, or those who hold the place of parents, who deliberately hand over their children to be educated or instructed in a non-Catholic religion (c. 2319, 4) ; those who throw away the sacred species of the Holy Eucharist or take them away or retain them for an evil purpose (c. 2320) ; those who appeal from the laws, decrees, or mandates of the reigning Roman Pontiff to a General Council (c. 2332) ; those who obstinately remain under censure for a year (c. 2340, 1) ; those who are guilty of simony in conferring or receiving Orders, or in administering or receiving the Sacraments (c. 2371) ; those who spontaneously and deliberately assist the propagation of heresy or who take an active part in non-Catholic religious functions with heretics (c. 2316).

SECTION 3. Forbidden Books (c. 2318)

Those incur this excommunication who either effectively publish the books of apostates, heretics, or schismatics which defend apostasy, heresy, or schism, or who defend the said books or other books specifically forbidden by Apostolic letter, or who, without legitimate permission, knowingly read or retain such books. In the latter case, crass or supine, but not studied ignorance excuses. The term books must be taken literally ; it does not include papers, sheets, journals, small fascicles, pamphlets, letters, sermons, excerpts from books, sheets torn from a forbidden book, but periodicals that are bound into a volume come under the term, as

declared by the Holy Office (1880, 1892). Copies that are lithographed or typed are not included. Similarly, anthologies which include heretical excerpts in their collection do not constitute heretical books. It is also held that books of atheists and Catholics which contain heresy or are suspected of heresy are not included, for these authors are not strictly heretics, but if the authors defend heresy they become heretics. To defend a book that is forbidden has a wide meaning. It includes the concealment of a book lest it should be reported to the Holy Office, it does not include the praising of such a book for its style or the genius of its author, nor probably the concealment of a book lest it be burned or destroyed. To read a book means to read with the eyes and intelligently, not to listen to another reading it. But one who commands another to read a forbidden book incurs this excommunication (cc. 2209, 3 ; 2231).

The amount read must be notable. It will be notable even if a small amount of very dangerous matter is read, as in the case of some of the works of Voltaire or Luther. In less dangerous books, a few pages, probably six, would be a notable amount.

To retain a book means to keep it in one's possession or in the actual possession of another for a notable time, probably a month. If a forbidden book is retained after having been read, a second censure is incurred. Librarians are not said to retain books, but members of a literary society, all of whom have, through subscription, part dominion in the books, are said to retain them. A rare and valuable heretical book that is retained for its artistic or antiquarian value does not come into the category of retained books, for the law regards books that are retained for reading. Rare books that fetch a big price are usually not read but are kept as curios.

SECTION 4. Simulating Mass or hearing Confessions by One not ordained (c. 2322)

Those incur this excommunication who, not being priests, simulate the celebration of Mass or hear sacramental confessions. The simulation referred to here is the invalid

celebration of Mass so that others are deceived. The omission of the words of consecration is irrelevant. The confession here considered is the accusation of some sufficient matter with a view to obtaining absolution, so that the penitent is led to suppose the confessor to be a true confessor and to have given true absolution. Whether or not the supposed confessor pronounces the words of absolution or not is irrelevant.

SECTION 5. Appeal to a General Council (c. 2332)

Those persons (i.e., physical persons, probably not corporate bodies) incur this excommunication who appeal from the laws, decrees or mandates of the reigning Pontiff to a General Council. The laws, decrees, or mandates must have issued immediately from the Pope, not from a Congregation, unless it issued a decree by virtue of a special mandate of the Pope or with papal approval *in forma specifica*. The appeal contemplated is to any General Council, present or future. Appeal to a future Pope or to the reigning Pope 'better informed' is not in question.

SECTION 6. Impeding Apostolic Letters or Acts (c. 2333)

Those incur this excommunication who have recourse to the secular power to impede letters or other communications from the Apostolic See (understood in a wide sense, c. 7), or its Legates, or who, by the exercise of public authority, directly or indirectly prevent the promulgation or execution of such letters or communications. Those also are excommunicated who, in view of the Apostolic letters or communications, injure (by personal and physical injury) or intimidate by really grave fear, however induced, those persons for whom the letters or communications are intended, or any others. It seems probable that the excommunication is incurred even if the effect do not ensue. This point is, however, controverted.¹

¹ Cappello, *op. cit.*, n. 253 ; Ayrinhac, *Penal Legislation in the New Code* n. 250.

SECTION 7. Legislation against the Church (c. 2334)

Those incur this excommunication (c. 2334) who enact laws, mandates, or decrees against the liberties or rights of the Church, whether such prescriptions emanate from the supreme legislative authority or from inferior authorities. This is not, however, to be understood as including judicial sentences or interpretations of law given in the civil Courts, for such acts are not legislative. Those persons are also excommunicated who act under supreme authority and with delegated or partial authority, as Governors of cities and Mayors. So, too, municipal Councillors and members of Parliament, if they vote for such measures, and if the measures are carried. It is not the mere voting that renders the voter liable to the excommunication, but effective voting, nor is the censure incurred unless the law is promulgated. Those also incur this censure who directly or indirectly but effectually impede the exercise of ecclesiastical jurisdiction of either the internal or the external forum, by recourse for such purpose to any secular authority. Jurisdiction, it will be remembered, is the power of ruling, not the exercise of Orders. Administrative power, such, v.g., as the power of teaching, acquiring, possessing, alienating, contracting, is probably included.

SECTION 8. Citation before Lay Tribunals of Cardinals, Legates, etc. (c. 2341)

Those incur this censure who dare to violate the *privilegium fori*, that is, the privilege of citation before ecclesiastical judges to the exclusion of lay tribunals, in respect of Cardinals, Legates, higher officials of the Roman Curia in connexion with matters pertaining to their office, and also their own Ordinary (as in c. 198). Clerics are granted the privilege of immunity from citation as defendants before lay tribunals. It is, however, explicitly admitted (c. 120) that there may exist provisions in some places which modify this privilege. It is also admitted that permission to cite clerics before a lay tribunal may and even should be granted.

Permission is to be sought from the Holy See or the local Ordinary according to the nature of the case. Canon 2341 exactly defines the incidence of the excommunication that is specially reserved to the Holy See, namely, when a Cardinal, a Legate of the Apostolic See (Nuncio, Internuncio, and Apostolic Delegate), or one of the higher officials of the Roman Curia is cited as personal defendant, not as witness, before a lay Court without legitimate permission. The censure is incurred by him who actually cites one of the above as defendant, whether sentence was passed or not, or if sentence is passed in the absence of the defendant, or if an agreement is arranged out of Court. Ignorance, crass or supine, or slight fear, excuses.¹

SECTION 9. Violation of Personal Immunity of Cardinals, Legates, etc. (c. 2343)

Those incur this excommunication who, with evil intent, lay violent hands, with consequent injury to body, liberty or dignity, on the person of a Cardinal, Papal Legate, Patriarch, archbishop, bishop (titular included). The immunity is the *privilegium canonis*, i.e., the privilege granted by canon 15 of the second Council of Lateran. To lay violent hands on the persons enumerated above is not restricted to manual physical attack, but it includes attack by foot or with an instrument, as a sword, stick or stone, nor is it necessary that the consequent physical injury should be grave ; it suffices if the injury is a slight one physically but a serious insult against the honour and respect due to such persons. Again, the body of the person so attacked need not be touched immediately ; it suffices if a part of the dress that he is wearing is seized, or the bridle of the horse on which such privileged person may be riding is seized, or if he is violently prevented from pursuing his journey, or if a door is shut on him so that he is forcibly detained within a place so that he cannot get out without grave shame, or if poison is administered. But the excommunication would not be incurred if the person attacking was acting in self-defence or taking just revenge. The injury contemplated

¹ Actual citation by the judge was not necessary after April 26, 1948; P.C.C.J., same date.

here must be done knowingly and deliberately. A person who gives command or effectual encouragement or help in such injury is also excommunicated (c. 2231).

SECTION 10. Usurpation of Rights of the Roman Church (c. 2345)

Those incur this excommunication who usurp or detain, personally or by proxy, property or rights that belong to the Roman church. In this context, seizure of property or usurpation of rights must actually take place; the thing taken must be taken from the owner and seized as one's own, as of right. Consequently, a thief, as a private individual, does not incur this censure. The goods contemplated are all temporal goods, movable or immovable, corporeal or incorporeal, of some considerable value. The rights are civil rights. The Roman church is the church in Rome, not other Catholic churches. The law against conversion or usurpation of ecclesiastical goods in general is stated in canon 2346.

SECTION 11. Fabrication of Documents (c. 2360)

Those guilty of fabrication or falsification of the letters, decrees, or rescripts of the Apostolic See, and those knowingly using such letters, etc., incur this excommunication. The letters contemplated are not the private letters of the Pope, nor the letters or decrees of particular synods or bishops. The official documents published by the Roman Congregations, Tribunals and Offices are included. Falsification connotes evil intent and must be completed in fact. The injury done by forgery or falsification is contempt of the Apostolic authority.

SECTION 12. False Accusation of a Confessor (c. 2363)

Those incur this excommunication who, personally or through others, falsely accuse a confessor of the crime of technical solicitation as explained in the treatise on Penance. Absolution may not be given to such unless the false charge has been formally withdrawn and the injury that ensued,

if any, has been repaired as far as possible. A serious and protracted penance must be imposed. Consequently, this offence is doubly reserved, namely, on account of the reserved excommunication, and because the sin itself is reserved (c. 894).

SECTION 13. Trading Forbidden to Clerics

The trading forbidden to clerics and religious with the canonical sanctions of law (cc. 142, 592, 2280) is now forbidden under penalty of excommunication specially reserved to the Holy See. Members of the Secular Institutes of Christian Perfection are under the same prohibition and incur the same censure for violation of the law (S.C.Con., March 28, 1950; A.A.S., 5-6, p. 330).

SECTION 14. Plotting against Church Authorities and Seizing Offices, etc. (S.C.C. June 29, 1950)

The following incur this excommunication:

1. Those who plot against legitimate ecclesiastical authorities or try to subvert their power in any way.
2. Those who take over any ecclesiastical office, benefice or dignity without canonical institution or provision, or who allow themselves to be intruded into the same, or retain them.
3. All who take part, directly or indirectly, in the afore-said crimes.

SECTION 15. False Teaching (S.O. July 28, 1950)

Those incur this excommunication who in Communist Associations teach the young matters against faith or morals.

CHAPTER XII

SINS WHICH INCUR EXCOMMUNICATION SIMPLY RESERVED TO THE HOLY SEE

SECTION 1. Traffic in Indulgences (c. 2327)

THOSE who make profit from indulgences incur this excommunication. Actual and real material profit must have been made and received. No motive, however good and pious, excuses from the excommunication. The amount of profit is immaterial. Indulgences are alone mentioned in this canon, and they must be true not fictitious indulgences. Other spiritual favours are not included. Even prelates, but not Cardinals, can incur this excommunication.

SECTION 2. Aggregation to Impious Sects (c. 2335)

Those incur this censure who, knowingly and deliberately, join the Masonic or other similar associations, which plot against the Church or legitimate civil authority. Freemasonry has been condemned by several civil Governments, as Holland, Sweden, Zurich, Prussia, Italy, and, of course, by many Popes, as Popes Clement XII, Benedict XIV, Leo XII, Pius VIII, Pius IX, Leo XIII. This pest of Church and State is particularly obnoxious because of its underground methods. But secrecy is not an essential element in a condemned society. Pope Leo XIII, in the year 1884, expressly condemned all such societies in a body, public or private, secret or not.¹ Freemasonry is here mentioned because its purposes are known. Other societies must be proved to plot against the Church and State before being considered as condemned. Notorious members of forbidden societies must make an abjuration, do what law requires, withdraw from the sect and repair scandal as far as they can.² Societies may be condemned without their members being excommunicated.

A member of any condemned society must, of course,

¹ Const. *Humanum Genus*.

² Pp. Pius XI, Dec. 25, 1925, V.

withdraw from it on becoming aware of the sin of belonging to it, unless he cannot do so without very grave harm,¹ and even then there must be no grave spiritual harm to himself nor benefit likely to accrue to the society.

The practical bearing of this teaching is that if a member of such condemned society has contributed considerably to it, and either derives out-of-work help from it, or is entitled to a considerable amount of money in case of accident or death, then if it is a very serious inconvenience to forgo such benefits, he may retain his name on the books of the society without taking any active part in its activities, and provided there is no grave scandal. But even this concession to hard cases must be interpreted very strictly and must always be subject to specific ruling of the Church in the matter. In 1896, the Holy Office, on being asked whether members of three societies condemned by name might continue to pay their dues, replied that they might do so on the following conditions: (1) that they had joined the society in good faith before knowing that it was condemned, (2) that no scandal resulted therefrom, but in case it did, that it should be removed by declaring that the only reason for retaining membership was not to incur material losses, and that meantime all communication with the sect should be avoided and the meetings not attended, (3) that it should be impossible to withdraw without grave loss, (4) that there was no danger of perversion to the party himself, or his family, particularly in case of sickness or death, nor danger of a non-Catholic funeral. In this country there would be, we believe, grave scandal in remaining a member of a Masonic lodge. A Catholic would have to cut his losses. When the Sacred Penitentiary grants faculty to absolve one who had joined a condemned society, it has usually added certain clauses, viz., that the penitent should abjure the sect, should revoke any pact made with the devil, should hand over to the confessor superstitious appurtenances, and give up or burn all books, manuscripts and insignia relating to the society.

¹ S.O., March 7, 1883, Jan. 18, 1896.

SECTION 3. Absolving from Censures without Faculty (c. 2338, 1)

Those incur this excommunication who presume to absolve, without due faculty, from an excommunication either most specially or specially reserved to the Holy See. Crass or supine ignorance and even slight fear would excuse from this excommunication. It is the attempt not the pretence at absolving that renders a confessor liable to this censure. Therefore, one who is not a priest could not incur it. Faculty to absolve is, of course, given by law in danger of death to all priests, and in urgent cases to confessors (cc. 2252, 2254). To absolve from the sin apart from the excommunication would not render a confessor liable.

SECTION 4. Communication with certain Excommunicates (c. 2338, 2)

This excommunication is incurred by those who give assistance or countenance to a *vitandus* in the delinquency for which the latter was excommunicated. Such assistance would have to be grave or notably effective, and it might be physical or moral. The assistance contemplated must have been given not for the commission of the delinquency but for its continuance. Furthermore, clerics incur this excommunication who knowingly and deliberately hold communion with a *vitandus* in sacred functions, or allow him to take part in divine offices, that is, when the former are allowed to celebrate or take an active part in the divine functions proper to the power of Sacred Orders, as in Mass, the Sacraments, and other ecclesiastical functions.

SECTION 5. Citation before Lay Tribunals of Bishops, Prelates, etc. (c. 2341)

This excommunication is incurred by those who, without legitimate permission, dare to cite as defendant to the civil tribunal a bishop other than their own Ordinary and even a titular bishop, or an abbot, or a prelate *nullius* or one of the major Superiors in a papal Religious Institute (cc. 2341, 488).

SECTION 6. Violation of Enclosure (c. 2342)

1. Persons of any rank, condition and of either sex incur this excommunication by violating the enclosure of nuns (papal enclosure of nuns with solemn vows), by entering their monasteries without legitimate permission, as also do those who introduce or admit them. To introduce has a broader meaning than to admit. Admission is official, introduction is not.

2. Women who violate the enclosure of male Regulars (those who have taken vows in an Order) incur this excommunication, as also do Superiors and others, whoever they may be, who introduce or admit within the enclosure females of any age.

3. Nuns with solemn vows who leave their enclosure illegitimately (i.e., without Apostolic indult or outside the case of imminent danger of death or other most serious evil: c. 601) incur this excommunication.

4. Papal enclosure extends to the whole of that part of the house which is inhabited by the community, with the gardens reserved for the Religious ; the church is exempted, as also are the adjoining sacristy, the guest house or guest rooms and the parlour. The parts within enclosure should be clearly indicated (c. 597), and, in the case of nuns' enclosure, so arranged as far as possible that externs should not be able to see into the enclosure, nor the nuns to see out of it (c. 602).

5. Those violate enclosure who enter it without permission, whatever their motive be, but they must have completely entered it. To go inside one pace with instant withdrawal probably does not suffice for this excommunication.

6. Young people not yet arrived at the canonical age of puberty do not incur this excommunication for entering the enclosure.

7. Certain exceptions are allowed. Thus, in respect of the enclosure of nuns (c. 600), the following are, by law, allowed to enter it, namely, Cardinals, those who hold actual supreme civil power and their wives and retinue, the local Ordinary and Regular Superior (who may delegate

another) every five years for visitation, attended, however, by at least one cleric or one male Religious of mature age. Furthermore, the confessor or his substitute is allowed to go within the enclosure of nuns, for the purpose of administering the Sacraments to the sick or assisting the dying; also doctors, surgeons, workmen, if their services are necessary, with leave of the Superioress and habitual approval of the local Ordinary which may be presumed in necessity when there is no time to apply for it.

8. To introduce within the enclosure is to send within, invite or permit a person to enter; introduction is an unofficial admission given by anyone. To admit within the enclosure is to admit when admission could be or should be officially prevented. This office of admittance belongs to the portress, the Superioress and others who hold their places. But one who allows a violator of the enclosure to remain within, when such a one could be easily expelled or shown the way out, incurs the excommunication, but not so, if one who has legitimately entered the enclosure is detained within.¹

9. Nuns who introduce or admit children below the age of seven years do not incur the excommunication, for such children cannot violate a law; nuns who introduce or admit young people over seven years of age but under the age of canonical puberty probably incur the excommunication, since such young people, though not subject to excommunication, can violate the law of enclosure (c. 600).

10. Nuns with solemn vows, who violate their enclosure, incur this excommunication, but not their novices or postulants. To incur the excommunication, it is sufficient to go outside the enclosure even for the briefest time, though it be into the church, sacristy, parlour or on to the roof. Probably a few paces outside enclosure with instant return and no risk of meeting externs are not sufficient for the excommunication. It is the illegitimate violation of enclosure that is punished, not remaining outside beyond the time permitted when permission has been granted. Certain cases are excepted, as those of imminent danger of death,

¹ Cappello, *op. cit.*, n. 319.

fire, flooding, falling of the house or a great part of it, pestilence, invasion by enemies or robbers. If time permits, the local Ordinary is the judge of the need of quitting enclosure.

SECTION 7. Duelling (c. 2351)

Those incur this excommunication who engage in a duel or merely issue a challenge to a duel, though not accepted, or accept a challenge, or offer any assistance or favour to a duel, or who of set purpose, in order to encourage the duellists, add to the formality and witness one, or who permit or fail to prevent a duel so far as they can and to the extent to which they are obliged, whatever their dignity as public persons may be. Those who issue or accept a challenge to a duel are excommunicated, though the duel is not fought; but the challenge must be serious not fictitious. A duel is essentially a fight with lethal weapons to settle a dispute between two individuals, who have deliberately agreed upon the conditions of the fight, as to time, place and weapons, even though agreeing to desist after the first slight wound or the first blood drawn. It is probably not a duel in the penal sense where the choice of weapons is to be made only at the spot where the duel is to take place, or if two persons challenge one another to fight and then proceed to some spot not previously agreed upon. There are many ways of affording assistance or favour to a duellist. Any method that is immediate and effectual is here included. Thus, even a priest is excommunicated who promises a duellist to be near in order to absolve him in case of danger of death. The duels of German students had been forbidden in 1890 (S.C.C., Aug. 9), and the prohibition was confirmed (June 20, 1925), even if the weapons employed could cause only slight wounds.

SECTION 8. Attempted Marriage by or with Clerics in Sacred Orders, or Religious of Solemn Vows (c. 2388, 1)

Those incur this excommunication who, being clerics in major Orders, or either Regulars or nuns who have taken a solemn vow of chastity, presume to contract a marriage,

even civilly only, and those persons who presume to contract such marriage with any of the aforesaid persons. A simple vow of chastity may invalidate an attempted marriage, as it does in the Society of Jesus, but it does not render the person who took this vow liable to this excommunication by attempted marriage. Where there is a mistake or grave fear or simulated consent, the penalty is not incurred. Ignorance, whether crass or supine, and slight fear, excuse from the incidence of this excommunication.

SECTION 9. *Simony* (c. 2392)

This excommunication is incurred by those who commit the crime of simony in any ecclesiastical office, benefice, or dignity in a function legitimately exercised for a spiritual purpose (c. 145). Office in this context is an ecclesiastical one permanently established and canonically conferred, connoting some exercise of Orders or jurisdiction (c. 145). Dignity in this context is some pre-eminence or honorific title.

Real simony takes place when the terms of a simoniacal agreement are fulfilled ; conventional simony takes place when an agreement, expressed or tacit, concerning a simoniacal transaction, has been entered upon. Confidential simony is a species of this simony, and consists in the transaction whereby a benefice is procured by one person for another on the understanding that in due time the latter will resign or share the revenue in favour of the former. The censure is incurred only when the delinquency of simony has actually taken place.

SECTION 10. *Tampering with certain Documents* (c. 2405)

The Vicar Capitular, all the members of the Chapter, and other persons who personally or through others withdraw, destroy, conceal, or substantially alter any document belonging to the episcopal Curia incur this excommunication. The censure is incurred only when the See is vacant. The document in question must be one of some importance, calculated to prove something, and the offence must have

been committed with serious malice. Restitution of the stolen document does not extinguish the censure.

SECTION 11. Usurpation and Conversion of Ecclesiastical Property (c. 2346)

This excommunication is incurred by those who, personally or through others, dare to convert to their own use and by those who appropriate ecclesiastical property of any kind, movable or immovable, corporeal or incorporeal, as also by those who dare to prevent those whose right it is from receiving the fruits or income due to them, and the penalty persists until full restitution has been made, the impediment removed, and absolution granted by the Apostolic See. Religious are now included under this legislation. It is obvious that there is question here only of such property as is in the dominion of the Church, not of property to which it merely has a claim. Stole fees that have passed into the dominion of the ministers of the Church as ministers and not merely as private persons are included in ecclesiastical property; not stole fees or other fees which the minister has a right to get. The penalty is probably not incurred by ordinary thieves, at least if they have consumed their ill-gotten gains, nor by city officials who acquire such property not for themselves but for the city, but the buyers of such confiscated property who convert it to their own use incur the excommunication. There is no doubt that collections taken in church and put into boxes or the plate have passed into the dominion of the Church. Such monies are ecclesiastical property. Intruded parish priests and beneficed clerics are subject to this censure.

Crass or supine ignorance and even slight fear excuses from this censure as also legal compulsion.

A serious promise to make full restitution will suffice for valid absolution in accordance with the canons (c. 2254), but as the case will usually be public, recourse will have to be made to the Holy See or the Ordinary for absolution in the external forum. Not infrequently a composition may be made with permission of the Holy See; this takes the place of full restitution.

CHAPTER XIII

SINS WHICH INCUR EXCOMMUNICATION RESERVED BY LAW TO THE ORDINARY

SECTION 1. Marriage in presence of a non-Catholic Minister (c. 2319, 1)

THOSE incur this excommunication who enter upon the marriage contract in presence of a non-Catholic minister, contrary to the prescription of canon 1063, 1. This canon states that, though a dispensation from the impediment of difference of religion has been granted by the Church, the parties to a marriage may not, either before or after marriage in the Church (that is, in the due canonical form), also present themselves, personally or by proxy to a non-Catholic minister acting as such to give or renew their matrimonial consent. If the ceremony in presence of the non-Catholic minister is merely a civil ceremony, the censure is not incurred ; if it is both civil and religious or religious alone, the censure is incurred. The censure is incurred either by attempted marriage before a non-Catholic minister, or by renewing consent before such minister after marriage contracted in legitimate form. The censure is probably not incurred if both parties are Catholic nor if the impediment is that of want of Baptism in one party.

SECTION 2. Promise of non-Catholic Education of Offspring (c. 2319, 2)

Those incur this excommunication who contract a true and valid marriage with the express or implied agreement that all or some of the offspring shall be educated outside the Catholic Church. The censure is incurred at the moment marriage is entered upon under such agreement, even should the agreement be withdrawn before the birth of a child. The censure would also be incurred if an invalid marriage were convalidated and the agreement regarded children already born. To be educated outside

the Catholic Church means to be educated in a sect ; it does not mean to be brought up without any religion.

SECTION 3. Non-Catholic Baptism (c. 2319, 3)

Those incur this excommunication who knowingly dare to offer their children, whether legitimate or illegitimate, to non-Catholic ministers for Baptism. Any notable lessening of imputability would excuse from this censure, such as would be the case in ignorance, even crass or supine, or fear. A request for Baptism to be given by a non-Catholic minister outside a case of necessity is meant, and that, whether the Baptism is valid or not, private or public.

SECTION 4. Non-Catholic Education of Offspring or Wards (c. 2319, 4)

Those incur this excommunication who, being parents, validly married or not, or holding the place of parents, knowingly hand over their children or wards to be educated or brought up in a non-Catholic religion. Occasional or specific lessons given by a non-Catholic, lay or clergyman, in secular subjects are not here included. Ignorance, crass or supine, of the kind of school to which the children are sent excuses from the censure.

SECTION 5. Making, selling, etc., False Relics (c. 2326)

Those incur this excommunication who manufacture or knowingly sell, distribute or expose for public veneration false relics. The relics concerned are those of the Saints or Beatified, and even relics that are small, and all things commonly called relics, such as the instruments of their sufferings or penances. The censure is not incurred by one who exposes these relics unless it is his duty or privilege to expose relics. Public exposition is here meant, not exposition in a private oratory.

SECTION 6. Violation of Personal Immunity of Clerics or Religious (c. 2343, 4)

Those incur this excommunication who lay violent hands on clerics below the status of bishops or on Religious of

either sex. What is meant by laying violent hands on a cleric has already been explained in detail.¹ The injury must be deliberate and contrary to the will of the injured. Therefore, an attack on a cleric thought to be a lay person, or an attack by way of joke or reasonable correction or in a sudden fit of anger, or in instant self-defence, whether from physical violence or, in the case of a woman, from some moral suasion to unchastity, these are not attacks within the meaning of the canon. To strike a cleric out of hatred of the clerical state as such, not as a personal attack on the individual, is probably not included in the penalty. Clerics are those who are dedicated to the sacred ministry at least by the first tonsure (c. 108, 1). Religious of either sex comprise those who belong to a Religious Order or Congregation, even novices, but not postulants. Those lay persons who are members of any society that imitates the manner of life of Religious and who live in common under the authority of Superiors in accordance with their respective rules, though they have not taken the religious vows, enjoy the privileges of clerics (c. 680). But although novices enjoy the privileges of Religious as do those lay persons who live after the manner of Religious, as explained, it does not follow that one who lays violent hands on a member of either of these two classes incurs excommunication, for the canon (c. 2343, 4) restricts the penalty to the case of clerics and true Religious. Neither lay persons nor novices are Religious in the strict sense, and penalties are to be interpreted in the strict sense.²

The Ordinary to whom this censure is reserved is the Ordinary of the offender, not of the offended. Religious who are not exempt are subject to the local Ordinary. Religious who are exempt are subject to their own Ordinary in religion. But (c. 2237, 2) any local Ordinary or his delegate could remit or absolve this censure in occult cases.

SECTION 7. Abortion (c. 2350)

Those incur this censure who effectually procure abortion ; the mother is not excepted. To incur the censure the

¹ *Supra*, p. 470.

² Cappello, *op. cit.*, n. 382.

result must ensue from a sufficient direct cause deliberately intended and used as a means. In doubt as to the causality the censure is not incurred. No consideration is paid to the precise moment of animation. Abortion is expulsion from the womb of a fetus that cannot live independently, or that is not viable. The fetus is presumed to be animated from the moment of conception. It is inviable up to the completion of the seventh month of gestation. Abortion is to be strictly interpreted ; it is not craniotomy nor embryotomy nor any other form of infanticide, but only true abortion. The cause employed might be drugs, blows, surgical operations, violent physical exercise, hot baths, or a moral cause if effectual, such as intense fear induced by another deliberately for the purpose of producing abortion ; but the mother who suffers abortion through intense fear does not incur the censure since she does not cause the fear. It is probable that one who has set in motion a cause sufficient for abortion and with that intent does not incur the censure if, before the effect follows, he or she repents ; but in the external forum such a person may be treated by the Superior as excommunicated unless and until absolution has been proved.

Those who co-operate in producing abortion also incur the censure, such as those who order or advise it effectually, surgeons and nurses who help to procure it, and chemists who sell abortifacients for a particular case, knowing and intending the inevitable result. But these persons are usually in invincible ignorance, so widespread is the practice.

SECTION 8. Apostasy from a Religious Institute (c.2385)

A Religious who apostatizes from or deserts his Institute incurs this excommunication. The censure is reserved to the major Superiors of clerical exempt Religious ; for members of a lay or a clerical non-exempt Institute the censure is reserved to the local Ordinary. Female Religious are liable to this censure (c. 490). An apostate from an Institute is one who, being professed of perpetual vows, solemn or simple, illegitimately quits his Institute with the intention of not returning, and also one who, being legitimately outside

the religious house, remains outside after the permission has expired in order that he may repudiate religious obedience. A malicious intention is presumed if such Religious has not returned within a month, or has not signified to his Superior his intention of returning (c. 644). But before a month has elapsed, the malicious intention may be obvious. In the case of legitimate absence, the month begins to run from the moment when the obligation of returning arises. The local Ordinary in this context is the local Ordinary of the place where the apostate actually is. A fugitive is not an apostate nor does he incur excommunication. The fugitive deserts his religious house but has the intention of returning. If in Sacred Orders, such a one is suspended (c. 2386).

**SECTION 9. Civil Marriage by or with Religious
of Simple Vows (c. 2388, 2)**

Those incur this excommunication who, being professed of simple perpetual vows, whether in a Religious Order or a Congregation, presume to contract marriage, even a civil one, and also those with whom they contract the marriage. Both men and women Religious incur this excommunication. The vows must be perpetual, and therefore those Religious who take temporary vows to be renewed at the appointed times, and those who take vows for three years in anticipation of perpetual vows, do not incur this censure. Such a marriage is valid except where, as in the Society of Jesus, the simple vows taken immediately after the noviceship invalidate an attempted marriage. The excommunication is reserved to the local Ordinary, and for members of clerical exempt Religious Orders to their major Superior.

CHAPTER XIV

SINS WHICH INCUR EXCOMMUNICATION NOT RESERVED

SECTION 1. Printing of Sacred Scriptures without due Permission (c. 2318, 2)

AUTHORS and publishers who get books of Holy Scripture or commentaries thereon printed without due permission incur this excommunication. Publishers in the context are they who in their own name and at their own expense have the said matter printed. It is the printing not the publishing that renders a person liable to the censure, but not the printing of a very few copies. The law forbids the printing without permission of any of the Sacred Books and of notes or commentaries thereon, even though derived from the works of the Fathers of the Church. A commentary does not mean a few pages only but a book or pamphlet as a whole, or periodical publications bound into a volume.

SECTION 2. Illegitimate Christian Burial (c. 2339)

Those incur excommunication who dare to command or compel the ecclesiastical authorities to give ecclesiastical burial to infidels, apostates, heretics, schismatics, or other excommunicated or interdicted persons (enumerated in canon 1240), i.e., suicides, duellists killed in a duel or dying from a wound received in a duel, cremationists, public and manifest sinners. This excommunication is probably incurred only by public authorities. To incur the censure all the following are necessary, viz., the conveying of the body to the church, the exequies in the church, and the burial of the body in a place legitimately assigned for the burial of the faithful (c. 1204).¹ If any sign of repentance was given before death by those generally forbidden Christian burial, the excommunication is not incurred. Catechumens who,

¹ So Cappello, *op. cit.*, n. 401 ; other authors (e.g., Verm.-Creus., *Epit.*, III n. 538) think that the exequies in the church are not necessary for the censure to be incurred, since public authorities do not order exequies in the church.

through no fault of theirs, die without Baptism, are not, for lack of Baptism, denied ecclesiastical burial (c. 1239).

SECTION 3. Alienation of Church Property (c. 2347, 3)

Those incur excommunication who knowingly disregard the Apostolic permission required for the alienation of church property, whether by giving or receiving it or merely giving consent to the transaction. The Apostolic permission is required in the case of things that are precious or property that exceeds in value thirty thousand francs (c. 534 and 1532). That property is precious which has a notable exchange value, artistically, historically, or because of its material. A notable price for such objects nowadays could be considered eighty pounds English currency.¹ For other property the sum fixed temporarily by the S.C. Consist. (July 13, 1951) is now ten thousand gold francs.² This can be taken as equivalent to two thousand pounds or seven thousand dollars according to a reply of the Congregation of Religious, Jan. 23 1953.³

SECTION 4. Compelling another to enter the Clerical or the Religious State (c. 2352)

This excommunication is incurred by those who, whatever their dignity (except Cardinals, c. 2227), compel a man to enter the clerical state, which begins with the first tonsure, and by those who compel in any way man or woman to enter the Religious state as novice, or to make Religious profession, whether solemn or simple, perpetual or temporary. The compulsion exists when grave fear is induced, and this might be absolute or relative.

SECTION 5. Failure to denounce Solicitation (c. 2368, 2)

This excommunication is incurred by a person who has knowingly omitted to denounce within a month a confessor guilty of technical solicitation of the said person, and the excommunicated cannot be absolved unless he or she has complied with the obligation or seriously promised to do so. The terms of the canon have been explained in the treatise on Penance.

¹ A value of less than 1000 francs in the case of a precious object was declared as not notable (S.C.C., July 13, 1919).

² A.A.S., XLIII, p. 602.

³ Cf. *Review for Religious*, 1953, p. 150.

CHAPTER XV

INTERDICT (cc. 2268—2277)

SECTION 1. Interdict in General

INTERDICT is a censure by which the faithful, whilst remaining in communion with the Church, are forbidden the use of certain sacred things or benefits, namely, divine offices, some Sacraments and ecclesiastical burial, in accordance with subsequent canons. The term censure is here retained, although interdict may be inflicted as a vindictive penalty (c. 2291). This prohibition by interdict may be exercised either directly on an individual, whereby he is forbidden the use of the aforesaid things or benefits, or it may be exercised indirectly on persons by local interdict, whereby the administration or use of sacred things or benefits is forbidden in a particular place so that persons living in that place are thereby affected.

A general interdict whether local, affecting diocese or realm, or personal affecting the people in a diocese or realm, can be inflicted only by the Holy See or through its mandate; a general interdict affecting a parish or the congregation of a parish, as also a particular interdict, local or personal, can be inflicted also by the bishop but not by the vicar general (c. 2220, 2).

A personal interdict, like a personal precept, accompanies the person interdicted wherever he may be. A local interdict does not extend beyond the place interdicted, but within such place all persons, even those who come from elsewhere, and those who generally enjoy exemption, must observe the terms of the interdict unless they are specially exempted by privilege. Regulars, their novices included, are exempt in many things from episcopal jurisdiction (c. 615), but they must observe the terms of a local interdict.

SECTION 2. The Effects of Local Interdict

1. A local interdict, general or particular, forbids, in general, the celebration of divine offices and the administra-

tion of sacred rites, such as the celebration of Mass, administration of Sacraments or sacramentals, liturgical functions, burials. The canons, however, admit certain exceptions. On Christmas day, Easter, Pentecost, Corpus Christi day, the Assumption of our Lady, a local interdict is suspended with the exception of the conferring of Orders and the solemn nuptial blessing.

2. Notwithstanding a local interdict, the Sacraments and sacramentals may be given to the dying, but viaticum must be carried to the sick privately. Other modifications are stated (c. 2271). Thus, in a general local interdict, when the decree contains nothing to modify what follows, the clergy, if not personally interdicted, may celebrate privately and in subdued tones all the divine offices and sacred rites in any church or oratory with the doors closed ; the church bells may not be rung except for the Angelus and for summoning the people to sermons. However, in the cathedral church, all parish churches, and in a church which is the only one in a town, but in these alone, the following functions are permitted within the interdicted area : The celebration of one Mass daily, reservation of the Blessed Sacrament, administration of Baptism, Holy Eucharist, and Penance, celebration of Marriage but without the nuptial blessing, burial rites without solemnity, blessing of the baptismal water and the holy oils, preaching of the word of God. In all these cases, there may be no chanting, no display in the ecclesiastical apparatus as in Solemn Mass, no sounding of bells, organ or other musical instrument.

3. In the case of a particular local interdict the canons prescribe as follows :

(a) If an altar or a chapel in a church has been interdicted, they may not be used for any sacred office or rite.

(b) If a cemetery has been interdicted, the bodies of the faithful may be buried there but without any ecclesiastical rite.

(c) If a particular church or oratory has been interdicted, the following rules are laid down :

(i) In the case of a capitular church—with the obligation of Conventual Mass and choir—the privileges granted to

clerics, as enumerated above, may be used, provided the Chapter is not personally interdicted, and provided the decree does not enjoin the Conventual Mass to be celebrated and the canonical hours recited elsewhere.

(ii) If the church is a parochial one, it may use the privileges of a cathedral church as enumerated above, unless the decree provides that another church is to be substituted.

4. When a city is laid under interdict, all its suburbs are interdicted, even though ordinarily exempt, as also is the cathedral church. The city must be understood as the city defined for civil purposes, unless the decree specifies other boundaries. If a church is interdicted, the adjoining chapels, which form one continuous building with it, are also interdicted, but not the cemetery. If a chapel is interdicted, the whole church in which it is situated is not interdicted. If a cemetery is interdicted, its adjoining church is not interdicted, but all the oratories erected in the cemetery are interdicted. This principle would apply to mortuary chapels in the cemetery.

SECTION 3. The Effects of Personal Interdict

A personal interdict accompanies the subject everywhere. If a community or college has been guilty of a delinquency, an interdict can be laid upon each of the guilty members or on the corporate body as a whole, or on both.

Those who are personally under interdict suffer from the following disabilities :

1. They cannot celebrate the divine offices nor assist at any except a sermon, but it is not necessary to expel interdicted persons from a church during the divine offices if they are merely passive spectators, as would be necessary if, after sentence, or if notoriously interdicted, they attempted to take any active part in the celebration of the divine offices.
2. They cannot administer, celebrate or receive the Sacraments or sacramentals, with those limitations stated in previous canons (cc. 2260, 2261) which are applicable to excommunicates.
3. They suffer from the same disabilities as excommunicates in respect of rights of voting, presentation, nomina-

tion, of dignities, offices, benefices, pensions, receiving Sacred Orders (c. 2265).

4. They have not the right to Christian burial as explained in canon 1240, that is, after sentence, unless they gave some signs of repentance before death.

Individuals under a local or a community interdict who are guiltless of having caused the interdict and are free from other censures, may, if rightly disposed, receive the Sacraments in accordance with the preceding canons. No absolution from interdict or any other satisfaction is then required.

SECTION 4. The Interdict that forbids Entrance into a Church

This interdict includes a prohibition against the subject interdicted celebrating the divine offices in any church or assisting at such offices even passively and, when dead, of receiving ecclesiastical burial. Such a person need not, however, be expelled from a church if he assists at the divine offices, nor, if he has been buried, need the body be exhumed. Such a person could enter the church to pray privately or to listen to a sermon, or, probably, to receive the Sacraments privately.

CHAPTER XVI

SUSPENSION (cc. 2278—2285)

SECTION 1. Definitions

SUSPENSION is a censure by which a cleric is restrained from the use of his office or benefice or both : the effects of suspension are separable, though when a general suspension is inflicted all the effects ensue which are hereafter specified. Suspension from office or from the rights of a benefice produces effects peculiar to the one or the other.

SECTION 2. Effects of Suspension

1. Suspension from office, without any limiting clause, forbids the exercise of the power of Orders and jurisdiction and also of mere administration (such as that of pious associations) that is attached to the office, with the exception of the administration of the goods of the benefice, that is, of the revenues from a benefice.

2. Suspension from jurisdiction in general terms forbids the exercise of any act of jurisdiction, whether in the internal or the external forum, and whether ordinary or delegated. But it is to be observed that such acts may be sometimes valid in cases of common error (c. 209), and the term jurisdiction must be understood strictly.

3. Suspension from divine ministry forbids every act of Orders, based either on ordination or privilege. Privilege would exist in certain abbots who can consecrate chalices or altars, confer Confirmation and minor Orders.

4. Suspension from Orders forbids every act of the power of Orders derived from ordination. Suspension from Sacred Orders forbids every act of the power of the major Orders. Suspension from exercising a certain definite Order forbids the exercise of that Order, and the suspended cleric is forbidden moreover to confer the same Order and to receive a higher Order and to exercise it, if received. Suspension from conferring a certain defined Order forbids

the suspended cleric from conferring that Order, not one that is either lower or higher.

5. Suspension from a certain definite act of ministry, as the hearing of confessions, or from an office, as the office of parish priest, forbids the exercise of that ministry or office.

6. Suspension from episcopal Order forbids all exercise of the power of episcopal Order. Suspension from pontificals forbids the exercise of episcopal acts for which mitre and crozier are required.

7. Suspension from benefice deprives the suspended cleric of the revenues of his benefice, which do not, however, include personal possessions or donations. But the canons except the actual residence of the cleric and the administration of the benefice, unless a particular decree or sentence has expressly deprived him of the latter right. In case the suspended cleric wrongly derives revenues from the benefice, he is bound to restitution. Suspension that is expressed in general terms, and suspension from office or benefice, affects all offices or benefices which the suspended cleric may be holding in the diocese of the Superior who inflicted the suspension, unless the contrary is evident.

8. The local Ordinary may not suspend a cleric from a particular office or benefice that belongs to another diocese, but a suspension inflicted by common law affects all offices and benefices wheresoever held. A suspended cleric suffers all those disabilities of an excommunicate which have been enumerated above (c. 2265). This probably applies only to a general suspension, affecting both office and benefice. When a censure of suspension forbids the administration of the Sacraments and sacramentals, nevertheless, the faithful may ask for them from a suspended cleric, especially if there is no other minister available. The suspended cleric may then act without inquiring into the reasons for the petition.

9. If the suspension forbids any act of jurisdiction in either the internal or the external forum, such act done is invalid if sentence has been issued or if the Superior expressly states that he has withdrawn jurisdiction; otherwise the act would

be only unlawful, but not even unlawful if done at the petition of the faithful.

If a community or college of clerics has committed a delinquency, suspension may be inflicted on the guilty individual members or on the community as such or on both. If the individual members have been suspended, all the effects of suspension stated above ensue. If the community as such has been suspended, it is forbidden to exercise the spiritual rights proper to it, such as rights of election, presentation, nomination, precedence. If both are suspended, the effects ensue in respect of each separately.

SECTION 3. Suspension '*ex informata conscientia*'

Suspension *ex informata conscientia* (cc. 2186-2194) may be inflicted by an Ordinary, but not unless the usual procedure of law would cause grave inconveniences. Neither judicial form nor canonical admonitions are then necessary. It is to be given in writing with full details as to what acts are forbidden and for how long. This suspension may be inflicted for an occult delinquency, but not for a notorious one.

A public delinquency may be visited with this suspension if reliable witnesses reveal the delinquency to the Ordinary, but cannot be induced to do so in Court, and there is no other legal proof possible, or if the offending cleric prevents the judicial process being begun or finished, or if the process cannot be instituted owing to opposition of the civil law, or danger of grave scandal. The suspended cleric may appeal against the suspension. If he do so, the Ordinary would have to send to the Holy See the proofs of the delinquency.

SECTION 4. Dispensation from Suspension

Suspension is dispensed or absolved as censure, but if the suspension is a vindictive penalty, it can be dispensed, if occult, in urgent circumstances and in the sacramental forum, by any confessor provided the suspension cannot be observed without defamation of character or scandal. The obligation of recourse to the Superior will have to be

imposed, exactly as in the case of censure, and with the same limitations (cc. 2290, 2254, 3).

SECTION 5. Some particular Suspensions

Some suspensions are reserved to the Holy See, some to the Ordinary, and some are not reserved. The three classes are as follows :

1. Reserved to the Holy See.

Consecration of a bishop without Apostolic mandate (c. 2370) ; simoniacal promotion to Orders, administering or receiving other Sacraments simoniacally (c. 2371) ; reception of Orders from a notorious apostate, heretic, or schismatic, or from one censured by sentence (c. 2372) ; Religious in Sacred Orders whose profession is declared null through deceit on their part (c. 2387).

2. Reserved to the Ordinary.

A cleric who cites before the civil court an ecclesiastic or Religious (c. 2341) ; a fugitive Religious (c. 2386).

3. Not reserved.

To presume to hear confessions or absolve from reserved sins without faculties (c. 2366) ; clerics maliciously ordained without dimissorial letters, or before the canonical age or *per saltum* (c. 2374) ; clerics who resign an ecclesiastical office, benefice, or dignity to laymen (c. 2400) ; abbot who does not receive the abbatial blessing (c. 2402) ; Vicar Capitular or administrator giving dimissorial letters illegitimately (c. 2409) ; religious Superiors not sending their subjects to be ordained by the bishop of the place in accordance with law (c. 2410).

Note

Suspension of a priest does not prevent him from receiving absolution from his sin without absolution from suspension. But if the suspension cannot be observed without scandal or defamation, the censure can be absolved in virtue of canon 2254, with the obligation of having recourse.

APPENDIX 1

List of Reserved Cases

- I. Reserved Sins.
 1. Papal (false accusation of solicitation).
 2. Episcopal (reserved by the Ordinary).
 - II. Reserved Censures.
 3. Papal, most specially.
 4. Papal, specially.
 5. Papal, simply.
 6. Papal, reserved to the Ordinary by law.
 7. Episcopal, reserved by the Ordinary.
 8. Personal, reserved by individual Superior.
 - III. List of reserved Censures.
 - A. Papal most specially reserved.
 - (a) Maltreatment of the sacred species (c. 2320).
 - (b) Violent attack on the person of the Pope (c. 2343).
 - (c) Absolution, attempted or pretended, of accomplice (c. 2367).
 - (d) Violation of seal of confession (c. 2369).
 - (e) Violation of laws of papal election (c. 2330).
 - (f) Illicit consecration of a bishop.
 - (g) Priest living in sacrilegious marriage.
 - B. Papal specially reserved.
 - (a) Apostasy, heresy, schism (c. 2314).
 - (b) Suspicion of heresy (c. 2315).
 - (c) Publishing, defending, reading, keeping books defending apostasy, heresy, or schism, or condemned by Apostolic letter (c. 2318).
 - (d) Simulating Mass or hearing confessions by one not ordained (c. 2322).
 - (e) Appeal from Pope to General Council (c. 2332).
 - (f) Impeding Apostolic letters or acts (c. 2333).
 - (g) Publishing laws against rights of the Church (c. 2334).
 - (h) Citing before a lay tribunal Cardinals, etc. (c. 2341).
 - (i) Laying violent hands on Cardinals, etc. (c. 2343).
 - (j) Usurping property rights of the church of Rome (c. 2345).
 - (k) Fabrication or forgery of papal decrees, or use of same (c. 2360).
 - (l) False charge of solicitation against a confessor (c. 2363).
 - (m) Trading by clerics, religious, and members of secular Institutes of Christian perfection (S.C.C., March 28, 1950).
 - (n) Plotting against the Church, and seizing offices, etc. (S.C.C., June 29, 1950).
 - (o) Teaching the young in matters against faith or Christian morals (S.O., July 28, 1950).
 - C. Papal simply reserved.
 - (a) Trafficking in indulgences (c. 2327).
 - (b) Adhering to Masonic or like societies (c. 2335).
 - (c) Presuming to absolve from censures A or B without faculty (c. 2338).
 - (d) Aiding or abetting a *vitandus* (c. 2338).
 - (e) Citing before lay tribunal bishop, prelate or certain religious Superiors (c. 2341).
 - (f) Violation of enclosure of nuns (c. 2342).
 - (g) Violation by women of enclosure of male Regulars (c. 2342).
 - (h) Usurpers of ecclesiastical property (c. 2346).
 - (i) Duelling or abetting the same (c. 2351).
 - (j) Attempted marriage by or with clerics in Sacred Orders, or Religious of solemn Vows (c. 2388).
 - (k) Simony in offices, benefices, dignities (c. 2392).
 - (l) Falsifying, etc., documents of the Curia (c. 2405).
 - D. Papal reserved to the Ordinary by law.
 - (a) Marriage before a non-Catholic minister (c. 2319).
 - (b) Agreement by Catholics to educate their offspring outside the Catholic Church (c. 2319).
 - (c) Requesting Baptism of offspring from non-Catholic minister (c. 2319).
 - (d) Education of Catholic offspring outside the Church (c. 2319).
 - (e) Violent attack on clerics or Religious (c. 2343).
 - (f) Procuring abortion (c. 2350).
 - (g) Religious of simple perpetual vow of chastity marrying or attempting marriage, and their partners (c. 2388).
 - (h) Making, selling, etc., false relics (c. 2326).
 - (i) Apostate Religious (c. 2385).
 - E. Reserved to the Sacred Penitentiary except in danger of death: Attempted marriage by a priest who, for some reason, cannot separate from his accomplice.
- NOTE. Some excommunications are not reserved; the following persons incur them:
1. Authors or publishers of books of Sacred Scripture or notes or commentaries on these without due permission (c. 2318).
 2. Those who order or compel the granting of ecclesiastical burial to such as are excluded from it by law (c. 2339).
 3. Those alienating church property of great value without permission (c. 2347).
 4. Those who interfere with the freedom of clerical or religious vocations (c. 2352).
 5. Penitents who omit to denounce, within a month, their confessor who was guilty of solicitation (c. 2368).

APPENDIX 2

Absolution from Reserved Cases

Confessors having ordinary faculties can absolve or not as follows from the censures or sins enumerated 1-8 on the opposite page.

CASES ENUMERATED	1	2	3	4	5	6	7	8
a. In danger of death, cc. 882, 2252.	A ¹	A	A cum onere	A	A	A	A	A cum onere
b. Parish priests for paschal precept and missionaries at missions, c. 899, 3.	N ²	A	N	N	N	N	N	N
c. Reserved sins in case of sick, as in c. 900.	A	A	N	N	N	N	N	N
But cf. c. 2254 for all these 3-8.								
d. Urgent cases, cc. 900, 2254.	A except (g)	A	A	A	A	A	A	A
See c. 2254 for all these 3-8.								
e. Ignorance of reservation on the part of the penitent, c. 2229.	N	N	See p. 445 <i>supra</i> for 3-7.					N
f. Ignorance of reservation on part of confessor, c. 2247, 3.	A	A	N	A	A	A	A	N
g. In doubt of fact or law, cc. 2245, 2246.	A	A	A	A	A	A	A	A
h. Sins withheld in good faith—								
1. The ordinary confessor.	A (indirectly)	A	N	N	N	N	N	N
2. The privileged confessor, if absolution is general, c. 2249, 2.	A (indirectly)	A	N	A	A	A	A	A

¹ A = Can absolve.

² N = Cannot absolve.

NOTES.

1. A person under several censures can be absolved from one without being absolved from all. But if the censures impede reception of the Sacraments, all the censures must be absolved (c. 2249).
2. Absolution from censure in the sacramental forum is included in the ordinary formula of absolution from sins.
3. Absolution in the non-sacramental forum, internal or external, may be given by any fit formula, but in case of excommunication, it is fitting to employ the formula given in the Ritual.
4. If time presses, it is sufficient to absolve thus: *Ego te absolvo ab omnibus censuris et peccatis, in nomine Patris et Filii et Spiritus Sancti. Amen.*
5. The use of the proper formula for absolution from censure in the sacramental forum is of obligation, at least light; for the non-sacramental forum, the proper formula is advised (c. 2250, 3).

FRATERNITAS SACERDOTUM
SACERDOTUM

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